

TSD File Inventory Index

Date March 10, 2005

Initial CMK/revao

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Total - 2



Tom Daggett
<TWDaggett@comcast.net>
03/01/2005 12:15 PM

To: Lorna Jereza/R5/USEPA/US@EPA
cc: Graciela Scambiatterra/R5/USEPA/US@EPA
bcc:

Subject: BRP US Inc. response letter extension

Lorna:

Thank you for returning my call on behalf of BRP US Inc., and agreeing to allow them until this Friday, March 4, 2005 to send their response to your February 7, 2005 RCRA Information request. I understand that Ms. Scambiatterra has been on military training; we will direct BRP US's response and any further inquiries to her.

Thank you for your consideration!

Tom

Thomas W. Daggett
Daggett Law Firm
Suite 4950 - Chicago Title Tower
161 N. Clark St.
Chicago, Illinois 60601
312-960-1600
fax 312-332-0515

Mike Schroeder
262-884-5528



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF: **DE-9J**

Date:

Subject: Denial of Referral
Bombardier Recreational Products, Inc.

From: Lorna M. Jereza, Chief *Long*
Compliance Section 1, Enforcement & Compliance Assurance Branch

Through: Joseph M. Boyle, Chief
Enforcement & Compliance Assurance Branch

To: Jose G. Cisneros, Chief
Waste Management Branch

On or about July 22, 2004, ECAB received a referral from your office concerning Bombardier Recreational Products, Inc. (BRP) and the property BRP purchased from Outboard Marine Company (OMC) in March 2001. The referral outlined that ECAB should perform a RCRA inspection to determine BRP's current use and regulatory status at the site, as well as to determine what responsibility BRP has to clean close a permitted container storage area left by OMC. In addition, the referral made allegations that BRP failed to inform the U.S. EPA that they were the new owners of the bankrupt OMC site. Furthermore, the referral alleges that Trichloroethylene (TCE) contamination has been detected by Region 5's Superfund Division at a monitoring well near the south plant (alleged property purchased by BRP) and may be due to releases from this plant.

On December 6, 2004, an ECAB inspector performed a compliance evaluation inspection at BRP. On February 7, 2005, my office sent BRP a 3007 Information Request asking BRP to provide ownership transfer documents from the 2001 sale/purchase of this property, in addition to other inquiries.

Based on the information from the inspection and documents submitted by BRP, we have determined that BRP does not own the property where the permitted container storage area was located. Therefore, BRP has no responsibility to clean close that permitted container storage area. In addition, BRP provided a copy of the EPA Form 8700-12, *Notification of Regulated Waste Activity*, which was submitted by BRP, and received by the U.S. EPA, Region 5 on August 22, 2001. This form outlined that BRP was the new owner of the property on 300 Sea Horse Drive, Waukegan, Illinois 60085, as opposed to OMC's address at 200 Sea Horse Drive, Waukegan, Illinois 60085. If you feel that BRP

fraudulently gave or withheld information to obtain a separate generator ID, please coordinate with the Criminal Investigative Division on this matter. Furthermore, we believe that there should be coordination with Superfund Division on the TCE contamination issue.

If you have any questions, please feel free to contact Graciela Scambiaterra, of my staff, at (312) 353-5103. Thank you.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

APR 05 2004

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Madhav Mhaskar, Manager
Environmental Health and Safety Department
Bombardier Recreational Products
Bombardier Motor Corporation of America
10101 Science Drive
Sturtevant, Wisconsin 53177

Re: Notice of Violation
EPA I.D. No.: ILR 000 107 706

Dear Mr. Mhaskar:

On January 26, 2004, the United States Environmental Protection Agency (U.S. EPA) issued the Bombardier Recreational Products facility (Bombardier), a Notice of Violation (NOV) which identified violations of: 1) 35 IAC §§ 722.134 (a)(2) and 722.134(d)(2) [40 CFR §§ 262.34(a)(2) and 262.34(d)(2)]; 2) 35 IAC §§ 722.134 (a)(3) and 722.134(d)(2) [40 CFR §§ 262.34(a)(3) and 262.34(d)(2)]; 3) 35 IAC §§ 722.134(d)(2) and 725.273(a) [40 CFR §§ 262.34(d)(2) and 265.173(a)]; 4) 35 IAC §§ 724.273(a) and 725.273(a) [40 CFR 264.173(a) and 265.173(a)]; 5) 35 IAC §§ 722.134(d)(5)(ii)(a)(c) [40 CFR §§ 262.34(d)(5)(ii)(a) and (c)]; and 6) 35 IAC §§ 703.121(a) and (b), 703.180(c) and 705.121(a) [40 CFR §§ 270.1(c) and 270.10(a) and (d)]. U.S. EPA received Bombardier's response to this NOV dated March 15, 2004.

This letter is to inform you that U.S. EPA has reviewed Bombardier's response and determined that no further enforcement action will be taken at this time. This determination does not limit the applicability of the requirements evaluated, other RCRA regulations, or regulations under other environmental statutes. Bombardier's hazardous waste management operations will continue to be evaluated by U.S. EPA and the Illinois Environmental Protection Agency in the future.

If you have any questions and/or concerns regarding this matter, please contact Diane Sharrow, of my staff, at (312) 886-6199.

Sincerely,

A handwritten signature in cursive script, reading "Lorna M. Jereza". The signature is written in dark ink and is positioned above the typed name.

Lorna M. Jereza, P.E., Chief
Compliance Section 1

Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

cc: Todd Marvel, Illinois EPA

7001 0320 0006 1452 0719

U.S. EPA 77 W JACKSON BLVD CHICAGO IL 60604 ATTN DIANE SHARROW DE-9J	
Postage	\$ 37
Certified Fee	230
Return Receipt Fee (Endorsement Required)	175
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	442
Sent To: MADHAV MHASKAR, MANAGER ENVIRONMENTAL HEALTH AND SAFETY DEPARTMENT BOMBARDIER MOTOR CORPORATION OF AMERICA 10101 SCIENCE DRIVE STURTEVANT WI 53177	

PS Form 3800





Waste, Pesticides and Toxics Division

Type of Document: ☐ Notice of Violation and Inspection Report/Checklist
☐ No Violation Letter and Inspection Report/Checklist
☒ Letter of Acknowledgment
☐ Information Request
☐ Pre-Filing and Opportunity to Confer
☐ State Notification of Enforcement Action

Facility Name: Bombardier

Facility Location: 300 Sea Horse
10101 Science Dr.

City: Waukegan State: IL 60085

U.S. EPA ID# ILR-000707 704

Assigned Staff D. Sharrow Phone: X 6-6199

Name	Signature	Date
Author	<i>[Signature]</i>	<u>4/2/04</u>
Regional Counsel	<u>N/A</u>	
Section Chief	<i>[Signature]</i>	<u>4/5/04</u>
Branch Chief	<u>N/A</u>	

Directions/Request for Clerical Support:

After the Section Chief/Branch Chief signs this sheet and original letter:

1. Date stamp the cover letter;
2. Make four copies of the contents of this folder:
 - One copy for the assigned staff;
 - One copy for the section file;
 - One copy for the branch file; and
 - One copy for the official file.
3. Make any additional copies for cc's or bcc's.
4. Mail the original certified mail and distribute office copies and cc's and bcc's.
Once the certified mail receipt is returned:
5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA file room;
6. E-mail staff the date that the letter was received by facility.

Bombardier Recreational Products

March 15, 2004

Bombardier Motor Corporation of America
10101 Science Drive
Sturtevant, Wisconsin
USA 53177
Telephone 1(262) 884-5000
Fax 1(262) 884-5194
www.brp.com

Ms. Diane Sharrow
United States EPA, Region 5
77 West Jackson Blvd., DE-9J
Chicago, IL 60604

Re: Notice of Violation Response
EPA I.D. No.: ILR 000107706

Dear Ms. Sharrow:

This letter is in response to USEPA's March 4, 2004 Notice of Violation (NOV) regarding Bombardier Motor Corporation of America (BMCA) Waukegan, Illinois facility. An explanation of the immediate efforts that were taken by BMCA to meet compliance as a Small Quantity Generator (SQG) is outlined below. Hazardous waste handling practices and procedures that will be followed by BMCA personnel going forward, are also explained. As of the date of this letter, BMCA believes that it is in compliance with the regulations referenced in the above referenced NOV.

1. Accumulation Start Date

All containers of hazardous waste located in the hazardous waste storage area have been marked so as to identify the contents and the accumulation start date. The hazardous waste storage area will only be used to store hazardous waste after full containers, bearing the accumulation start date, are removed from the satellite accumulation area and brought to the storage area. Any necessary satellite accumulation will occur at, or near the point of generation and will be under control of an operator of the process generating the waste.

2. Hazardous Waste Marking

All containers of hazardous waste located in the hazardous waste storage area have been marked with the words "Hazardous Waste". Containers of hazardous waste will not be placed in storage in the hazardous waste storage area unless they are marked with the words "Hazardous Waste". Containers used to accumulate waste in the satellite accumulation area will also be marked with the words "Hazardous Waste".

3. Open Containers

All containers of hazardous waste located in the hazardous waste storage area have been covered and the covers secured. Containers of hazardous waste will not be placed in storage in the hazardous waste storage area unless the covers are securely fastened. Containers used to accumulate waste in the

satellite accumulation will only be opened when it is necessary to add waste to the container.

4. Emergency Phone Numbers

BMCA has installed an emergency phone adjacent to the hazardous waste storage area. The phone is a direct line to on-site security personnel. When the receiver is lifted, immediate communication is established with on-site security guards. The individual lifting the phone can then verbally relay any emergency information or response requirements to the security guard, who in turn shall notify the required emergency responders. The system automatically identifies the location of the emergency. The security guard station is manned 24 hours a day. Emergency phone numbers are posted at the security station, where security guards have immediate access to outside telephone lines.

Emergency phone information and evacuation information has been posted at strategic locations through out the building since shortly after BMCA's acquisition of the property. All employees that handle or manage hazardous waste have been properly trained as per RCRA requirements. In addition, all regular building employees regularly receive training in BMCA's emergency evacuation plan and procedures.

5. Failure to Obtain a Storage Permit

BMCA believes that its Waukegan, Illinois facility is exempt from the requirements of a storage permit because it has achieved compliance with 40 CFR 262.34(d) as outlined above by properly marking the accumulation start date, properly marking of the words "Hazardous Waste" and properly closing all containers of hazardous waste (except when waste is added). In addition, a direct line of communication and procedure to dispatch emergency personnel when needed has been established.

BMCA believes that this letter clearly documents the immediate actions that were taken to establish compliance as well as explaining the procedures and practices that will be followed to assure continued compliance with violations noted. We further believe that this response satisfies the agency's request for such documentation.

If you have any questions regarding this matter or would like to discuss our response further, please contact me at 262 / 884-5082.

Sincerely,

Bombardier Motor Corporation of America



Madhav Mhaskar
Manager Environment, Health and Safety
Recreational Products - Outboard Motor Division

cc: Todd Marvel - Illinois EPA

UNITED STATES POSTAL SERVICE

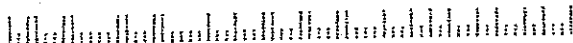


First-Class Mail
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Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

U S EPA
77 W JACKSON BLVD
CHICAGO IL 60604
ATTN DIANE SHARROW DE-9J

10



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MADHAV MHASKAR, MANAGER
ENVIRONMENTAL HEALTH AND SAFETY
DEPARTMENT
BOMBARDIER MOTOR CORPORATION OF AMERICA
10101 SCIENCE DRIVE
STURTEVANT WI 53177

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

4-7

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

☐ No

If YES, enter delivery address below:

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 0320 0006 1452 0719

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

Bombardier Recreational Products

March 15, 2004

Bombardier Motor Corporation of America
10101 Science Drive
Sturtevant, Wisconsin
USA 53177
Telephone 1(262) 884-5000
Fax 1(262) 884-5194
www.brp.com

Ms. Diane Sharrow
United States EPA, Region 5
77 West Jackson Blvd., DE-9J
Chicago, IL 60604

Re: Notice of Violation Response
EPA I.D. No.: ILR 000107706

Dear Ms. Sharrow:

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BMCA believes that this letter clearly documents the immediate actions that were taken to establish compliance as well as explaining the procedures and practices that will be followed to assure continued compliance with violations noted. We further believe that this response satisfies the agency's request for such documentation.

If you have any questions regarding this matter or would like to discuss our response further, please contact me at 262 / 884-5082.

Sincerely,

Bombardier Motor Corporation of America


Madhav Mhaskar
Manager Environment, Health and Safety
Recreational Products – Outboard Motor Division

cc: Todd Marvel – Illinois EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAR 04 2004

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Madhav Mhaskar, Manager
Environmental Health and Safety Department
Bombardier Recreational Products
Bombardier Motor Corporation of America
10101 Science Drive
Sturtevant, Wisconsin 53177

Re: Notice of Violation
EPA I.D. No.: ILR 000 107 706

Dear Mr. Mhaskar:

On January 26, 2004, a representative of the United States Environmental Protection Agency (U.S. EPA) inspected the Bombardier Recreational Products (Bombardier) facility located in Waukegan, Illinois. The purpose of the inspection was to evaluate Bombardier's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations related to the generation, treatment and storage of hazardous waste. Please find enclosed a copy of the inspection report for your reference.

Based on the U.S. EPA's January 26, 2004, inspection that included physical observations and a subsequent review of records, and information provided by Bombardier contractors and personnel, U.S. EPA finds that Bombardier is engaged in the management of hazardous waste without a hazardous waste permit, and is in violation of the requirements of the Illinois Administrative Code (IAC) and the United States Code of Federal Regulations (CFR). To be eligible for the exemption from having a hazardous waste storage permit, Bombardier must be in compliance with the conditions of 35 IAC §§ 722.134(a) and (c)); and 40 CFR § 262.34(a)(1)(ii). Specifically, we find that Bombardier is in noncompliance with the following conditions for a storage permit exemption, and in violation of the following requirements:

1. In order to avoid the need for a hazardous waste storage permit, a small quantity generator of hazardous waste must mark and make visible the date upon which accumulation begins on each container. See, 35 IAC §§ 722.134 (a)(2) and 722.134(d)(2) [40 CFR §§262.34(a)(2) and 262.34(d)(2)]. At the time of the inspection, Bombardier did not date two bins of hazardous waste. The bins were not located at or near the point of generation or under the control of an operator, and therefore were not satellite accumulation containers. Bombardier therefore failed to comply with the above-mentioned condition for a permit exemption.

2. In order to avoid the need for a hazardous waste storage permit, a small quantity generator must mark each hazardous waste container with the words, "Hazardous Waste" or with other words that identify the contents of the containers. See, 35 IAC §§722.134 (a)(3) and 722.134(d)(2) [40 CFR §§ 262.34(a)(3) and 262.34(d)(2)]. At the time of the inspection, Bombardier did not mark two bins with the words "Hazardous Waste" or with other words that identify the contents of the container. Bombardier therefore failed to comply with the above-mentioned condition for a permit exemption.

3. In order to avoid the need for a hazardous waste storage permit, a small quantity generator must close each container holding hazardous waste except when it is necessary to add or remove waste. See, 35 IAC §§ 722.134(d)(2) and 725.273(a) [40 CFR §§ 262.34(d)(2) and 265.173(a)]. This is also a requirement of owners and operators of hazardous waste storage facilities that use containers to store hazardous waste, under 35 IAC §§ 724.273(a) and 725.273(a) [40 CFR 264.173(a) and 265.173(a)]. At the time of the inspection, Bombardier did not close two bins of hazardous waste when not in use. Bombardier therefore failed to comply with the above-mentioned condition for a permit exemption, and violated the storage facility container closure requirement.

4. In order to avoid the need for a hazardous waste storage permit, a small quantity generator must post next to a telephone the name and telephone number of the emergency coordinator, and the number of the fire department (unless the facility has a direct alarm). See, 35 IAC §§ 722.134(d)(5)(ii)(a)(c), [40 CFR §§ 262.34(d)(5)(ii)(A),(c))]. At the time of the inspection, Bombardier had not posted the name and telephone number of the emergency coordinator and the number of the fire department next to a telephone, because there are no telephones at the storage area. The facility does not have a direct alarm to the fire department. Bombardier therefore failed to comply with the

above-mentioned conditions for a permit exemption.

5. A small quantity generator who accumulates hazardous waste on-site for 180 days or less, and who does not meet the conditions for a permit exemption of 35 IAC §§ 722.134(d)(2), (4) and (5), [40 CFR §§ 262.34(d)(2), (4) and (5)], is an operator of a hazardous waste storage facility, and is required to obtain a hazardous waste storage permit. See, 35 IAC §§ 703.121(a), (b); 703.180(c)); 705.121(a) [40 CFR §§ 270.1(c)), 270.10(a), (d)]. On failing to label and close its containers and post emergency information next to the telephone, Bombardier's failure to apply for and obtain a hazardous waste storage permit violated the permitting requirements of 35 IAC §§ 703.121(a), (b); 703.180(c)); and 705.121(a); and 40 CFR §§ 270.1(c) and 270.10(a) and (d).

At this time, U.S. EPA is not requiring Bombardier to apply for a hazardous waste storage permit, so long as it immediately establishes compliance with the conditions for an exemption outlined above. According to Section 3008(a) of the RCRA, U.S. EPA may issue an order assessing a civil penalty for any past or current violation requiring compliance immediately or within a specified time period. Although this letter is not such an order, we request that you submit a response in writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which have been taken since the inspection to establish compliance with the above conditions and requirements.

You should submit your response to Diane Sharrow, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, DE-9J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Ms. Sharrow, of my staff, at (312) 886-6199.

Sincerely yours,



Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

Enclosure

cc: Todd Marvel, Illinois EPA

7001 0320 0006 1452 0139

U S EPA
77 W JACKSON BLVD.
CHICAGO IL 60604
ATTN DIANE SHARROW DE-9J

Postage	\$ 83	Postmark Here
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.88	

Sent To	MADHAV MHASIKAR, MANAGER
Street, Apt. No., or PO Box No.	ENVIRONMENTAL HEALTH AND SAFETY DEPARTMENT BOMBARDIER RECREATIONAL PRODUCTS BOMBARDIER MOTOR CORPORATION OF AMERICA 10101 SCIENCE DRIVE STURTEVANT WI 53177
City, State, ZIP+4	

7001 0320 0006 1452 0139

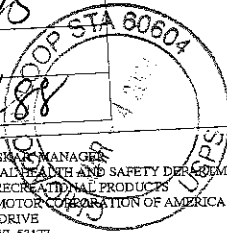
U S EPA
77 W JACKSON BLVD
CHICAGO IL 60604
ATTN DIANE SHARROW DE-9J

Postage	\$ 83	Postmark Here
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.88	

Sent To: MADHAV MHASKAR, MANAGER
ENVIRONMENTAL HEALTH AND SAFETY DEPARTMENT
BOMBARDIER RECREATIONAL PRODUCTS
BOMBARDIER MOTOR CORPORATION OF AMERICA
10101 SCIENCE DRIVE
STURTEVANT WI 53177

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4



PS Form 3800, January 2001

See Reverse for Instructions

U.S. EPA REGION 5
WASTE, PESTICIDES AND TOXICS DIVISION
ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH

COMPLIANCE EVALUATION INSPECTION REPORT

FACILITY NAME: Bombardier Recreational Products
Bombardier Motor Corporation of
America

FACILITY U.S. EPA ID NO.: ILR 000 107 706

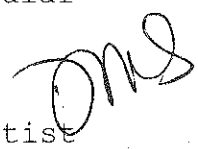
FACILITY TYPE: Small Quantity Generator

FACILITY ADDRESS: 300 Sea Horse Drive
Waukegan, Illinois 60085

FACILITY REPRESENTATIVE: Madhav Mhaskar, Manager
Environmental Health and Safety
Department
Bombardier Recreational Products
Bombardier Motor Corporation of
America
10101 Science Drive
Sturtevant, Wisconsin 53177
(262) 884-5082

Dave Wesner
River's Bend Engineering, Incorporated
1139 South Sunnyslope Drive
Suite 203
Racine, Wisconsin 53406
(262) 886-3882

Anthony Montemurro
River's Bend Engineering, Incorporated
1139 South Sunnyslope Drive
Suite 203
Racine, Wisconsin 53406
(262) 620-0077 Cellular

U.S. EPA REPRESENTATIVE: Diane M. Sharrow 
Senior Inspector/
Environmental Scientist
DE-9J
Compliance Section 1
(312) 886-6199
(312) 353-4342 Facsimile
Sharrow.Diane@epa.gov

DATE OF INSPECTION: January 26, 2004

NAIC (SIC) CODE: 41380

INSPECTION PRIORITY,
SECTOR, AND/OR PROCESS: Metal Finishing

PBTs¹: ---

INTRODUCTION:

The purpose of the inspection was to conduct a Compliance Evaluation Inspection (CEI) at the facility for management of its RCRA regulated waste. The purpose of this report is to document the CEI and the facility's compliance status. The USEPA OECA Small Business Information Sheet was given to the facility.

The Bombardier Recreational Products, Bombardier Motor Corporation of America (Bombardier) facility in Waukegan is now a research and development engineering facility. Bombardier purchased the building, and the Evinrude and Johnson motor brands, from the bankrupt Outboard Marine Corporation (OMC) in March of 2001. OMC had conducted manufacturing operations at this building and other nearby buildings. However, Bombardier is only involved in conducting the testing of outboard engines and product development. Surplus manufacturing equipment is not in use. Other operations have been moved to a location in Sturtevant, Wisconsin.

Bombardier notified U.S. EPA of its hazardous waste activities at this location on or about March 12, 2001. Hazardous waste generation has declined since the removal of waste present at the time of purchase and the transfer of some operations to Wisconsin. Hazardous waste currently being generated by Bombardier includes D001, D035 and D002 in the form of waste paints and paint thinners.

When I arrived at Bombardier, the security guard called Madhav Mhaskar, who is located in Sturtevant, Wisconsin. I informed Mr. Mhasker that I wished to conduct an unannounced hazardous waste inspection. Mr. Mhaskar explained that Bombardier was no longer a large quantity generator, and he was in the process of notifying the Illinois EPA of this change. He also stated that

¹ Persistent, bioaccumulative and toxic (PBT) chemicals - see www.epa.gov/wastemin.

he had indicated this anticipated change on the last annual report filed with the State of Illinois.

Mr. Mhaskar stated that the Waukegan facility does have an on-site emergency coordinator, Rich Brnot, but that much of the hazardous waste manifesting, etc., is done by a contractor, River's Bend Engineering of Wisconsin. He also stated that the Waukegan facility does have records required to be kept by a large quantity generator for the years 2002 and 2001. He agreed to fax me copies of the 2003 hazardous waste manifests, land disposal restriction forms, and the 2002 Annual Report. He was willing to come to the Waukegan location to find the records for me, but we agreed this was not necessary since the weather and roads were in poor condition due to heavy snow.

Mr. Mhaskar had the security guard contact Dave Wesner of River's Bend Engineering by radio. Mr. Wesner is located at the facility on a part-time basis. Mr. Wesner came to the security desk and agreed to show me the hazardous waste storage area and answer further questions. I had told Mr. Mhaskar that I would present my enforcement credentials to the security guard and Mr. Wesner, and did so. I also provided a copy of the USEPA OECA Small Business Information Sheet to Mr. Wesner.

Mr. Wesner escorted me to the hazardous waste storage area at the facility. The storage area is located in a portion of the plant, that was formerly used for manufacturing. Currently, there are no operations in this portion of the plant. However, this portion of the plant still contains machinery, desks, etc. I noted that there was no obvious posting of the emergency coordinator's name and telephone number, or the telephone number of the fire department. There were fire extinguishers and signs indicating where the fire extinguishers were located. In the storage area, I found a partially filled 55 gallon container marked hazardous waste and dated September 17, 2003. I also found two bins holding containers such as aerosol paint cans. Mr. Wesner indicated that employees place solid waste in these bins and then he inspects the storage area and sorts through these bins every two to three days and over packs those containers that are hazardous into 55 gallon drums. I indicated to Mr. Wesner that I thought that the bins should be labeled as hazardous waste, dated and covered when hazardous waste was not being added or removed. We then discussed the satellite accumulation requirements and I also indicated that the waste in the two bins was not at or near the point of generation (another area of the plant) and was not under the control of an operator. It was not clear who brought the bins from the research and development area, or whether employees brought waste to the bins.

Mr. Wesner and I also discussed that I would wait to receive documents from Mr. Mhasker before I completed my checklist and inspection report. I did indicate to Mr. Wesner that I thought there was at least one violation in that the two bins of hazardous waste were not labeled, dated or closed. I then left the facility.

On January 28, 2004, Anthony Montemurro of River's Bend Engineering faxed me the documents that Mr. Mhasker had promised. I spoke with Mr. Montemurro on February 2, 2004. He agreed at that time to send me a copy of the facility contingency plan so I could ascertain that the facility had attempted to make arrangements with local authorities, etc. I received a copy of this Contingency Plan on February 13, 2003.

I also told Mr. Montemurro that I was concerned whether Mr. Brnot had received training in accordance with 35 IAC §722.134(d)(5). Although there were fire extinguishers and fire alarms present in the hazardous waste storage area, and River's Bend Engineering representatives have been trained, it is not clear whether the employees that bring hazardous waste to the storage area have the information they need to respond to an emergency.

Mr. Montemurro and I also discussed my determination that there was at least one violation at the facility because the two bins that contained solid and hazardous waste were not labeled, dated or closed and sit unattended for two to three days at a time.

FINDINGS:

As a result of my inspection, I have determined that Bombardier is not in compliance with the hazardous waste requirements.

PHOTOGRAPHS:

None

ATTACHMENTS:

Attachment 1 - Checklist
Attachment 2 - Documents received from Bombardier

Bombardier

1/26/14

LGG to SOE in last two years

Regulation	RCRA SMALL-QUANTITY GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
	Section 722.123 Use of the Manifest For each manifest reviewed, has the generator:	
22.123(a)	- signed the certificate by hand? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> - obtained the handwritten signature and the date of acceptance by the initial transporter? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> - retained one copy as required by Section 722.140(a)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> - apparently sent a copy (part 5 for the Illinois manifest) to the Agency within 2 working days? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	722.123(a)
722.123(b)	- has the generator apparently given the remaining copies to the transporter? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	722.123(b)
722.123(c)	- has the generator followed the procedures prescribed in Section 722.123 for manifesting bulk shipments of hazardous waste by rail or water? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	722.123(c)
	SUBPART C: PRE-TRANSPORT REQUIREMENTS Is there any hazardous waste ready for transport off-site? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> If so, is the generator complying with the pre-transport requirements in Subpart C? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
722.134(c)	Section 722.134 Accumulation Time Is the generator who accumulates hazardous waste at or near any point of generation where wastes initially accumulate and which is under the control of the operator of the process generating the waste limiting such accumulation to 55 gallons of hazardous waste or 1 quart of acutely hazardous waste marking the containers with the words hazardous waste or other words to identify the contents? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Has the generator who accumulates more than 55 gallons of hazardous waste or 1 quart of acutely hazardous waste complied with the requirements of Section 722.134(a) within 3 working days? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> If there are more than 55 gallons of hazardous waste or 1 quart of acutely hazardous waste in the satellite accumulation area, are the containers marked with the date accumulation began? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> During the 3 day period, is the generator continuing to comply with the requirements of Section 722.134(c)(1) with respect to the excess waste? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	also transporter requires DOT reg's. met. 722.134(c) 180 days 1 partially filled 55g. container dated 9-17-3 s/not be dated if satellite
722.134(d)	Has the generator complied with the following requirements: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Note: If the quantity of hazardous waste on-site ever exceeds 6000 kg, the facility is also a storage facility subject to full regulation under Parts 724 and 725 and the permit requirements under Part 703. Does the facility accumulate hazardous waste in containers? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> If "No", go to Subpart J.	722.134(d) accumulat ands/limit to one container. Stored at or near the point of generation
	SUBPART I: USE AND MANAGEMENT OF CONTAINERS	
(722.134a2)	Is the accumulation start date marked on each container? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
(722.134a3)	Is each container marked with the words "Hazardous Waste"? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	1 Cont. - 55g dated 10/16/04
(725.271)	If the containers have leaked or are in poor condition, has the owner/operator transferred the hazardous waste to a suitable container? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	used bil 2 bins of containers a waiting waste determination

ILR 000107706

Regulation	RCRA SMALL-QUANTITY GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
(725.301c)	<p>Is the generator inspecting, where present, the following:</p> <p>1) discharge control equipment at least once each operating day? Yes _____ No _____ N/A <input checked="" type="checkbox"/></p> <p>2) data from monitoring equipment at least once each operating day? Yes _____ No _____ N/A <input checked="" type="checkbox"/></p> <p>3) the level of the waste in the tank at least once each operating day? Yes _____ No _____ N/A <input checked="" type="checkbox"/></p> <p>4) physical evidence of corrosion at least weekly? Yes _____ No _____ N/A <input checked="" type="checkbox"/></p> <p>5) discharge confinement structures to detect erosion or leaking at least weekly? Yes _____ No _____ N/A <input checked="" type="checkbox"/></p>	
(725.301d)	<p>Has the generator removed all hazardous waste from tanks and associated equipment and structures upon closure of the facility? Yes _____ No _____ N/A <input checked="" type="checkbox"/></p>	
(725.301e)	<p>If ignitable or reactive wastes are stored in tanks, is the generator in compliance with Section 725.301(e)? Yes _____ No _____ N/A <input checked="" type="checkbox"/></p>	
(725.301f)	<p>Is the generator in compliance with the regulations concerning incompatible wastes in Section 725.301(f)? Yes _____ No _____ N/A <input checked="" type="checkbox"/></p> <p>COMMENTS:</p>	
SUBPART C: PREPAREDNESS AND PREVENTION		
(725.131)	<p>Is the facility being operated and maintained to minimize the possibility of a fire, explosion or any release of hazardous waste or hazardous waste constituents which could threaten human health or the environment? Yes <input checked="" type="checkbox"/> No _____ N/A _____</p>	
(725.132)	<p>Is the facility equipped with the following if necessary:</p> <p>a) an internal communication or alarm system(s)? Yes <input checked="" type="checkbox"/> No _____ N/A _____</p> <p>b) a telephone or other device to summon emergency assistance from local authorities? Yes <input checked="" type="checkbox"/> No _____ N/A _____</p> <p><i>last Insp. Aug 2013</i> c) portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment? Yes <input checked="" type="checkbox"/> No _____ N/A _____</p> <p>d) water at adequate volume and pressure for fire control? Yes <input checked="" type="checkbox"/> No MAINTENANCE N/A _____</p>	
(725.133)	<p>Is the facility testing and maintaining communication/alarm systems, fire protection equipment, spill control equipment and decontamination equipment? Yes <input checked="" type="checkbox"/> <i>Contractor</i> No _____ N/A _____</p>	
(725.134)	<p>a) Where hazardous waste is being handled, do all employees have immediate access to an internal alarm or other emergency communication device? Yes <input checked="" type="checkbox"/> No _____ N/A _____</p> <p>b) If there is ever just one employee on the premises when the facility is operating, does he/she have immediate access to a device capable of summoning external emergency assistance? Yes <input checked="" type="checkbox"/> No MAINTENANCE N/A _____</p>	
(725.135)	<p>Is the facility maintaining adequate aisle space? Yes <input checked="" type="checkbox"/> No _____ N/A _____</p>	

Regulation	RCRA SMALL-QUANTITY GENERATOR INSPECTION CHECKLIST (PART 722)	Violation	
(725.137)	<p>Has the facility attempted to make the following arrangements, as appropriate, for the type of facility and waste:</p> <ul style="list-style-type: none"> arrangements with local emergency authorities (i.e. police and fire departments, other emergency response agencies) to familiarize them with the layout of the facility, properties of hazardous waste handled, places where facility personnel would be working, entrances to roads inside the facility and evacuation routes? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> agreements designating the primary authority where more than one police or fire department might respond? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> agreements with State emergency response teams, contractors and equipment suppliers? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the type of injuries or illnesses which could result from fires, explosions or releases at the facility? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> 	<p><i>no written proof such as Cert. Mail cards will respond.</i></p>	
(728.107a4)	<p>Section 728.107 Waste Analysis and Recordkeeping</p> <p>Has the generator who treats a <u>prohibited waste</u> in tanks or containers in order to meet the treatment standards developed and followed a waste analysis plan? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Is the plan on-site? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Does the plan include a detailed physical and chemical analysis? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Has the plan been filed with the Agency at least 30 days prior to commencement of treatment activity? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Has the generator submitted the required notification and certification that the waste meets treatment standards when the waste is shipped off-site? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>		
722.134(d)(5)	<p>A) Is there at least one employee on site or on call with the responsibility to coordinate all emergency response measures? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>B) Is the following information posted next to the telephone: <ul style="list-style-type: none"> the name and telephone number of the emergency coordinator? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> the location of fire extinguishers and spill control equipment and, if present, fire alarms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> the number of the fire department unless the facility has a direct alarm? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> </p> <p>C) Have employees received the proper waste handling and emergency procedures training relevant to their positions? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>D) If there have been any emergencies that required a response, did the emergency coordinator comply with the requirements of Section 722.134(d)(5)(D)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> <p>Note: A small-quantity generator who must transport the waste over a distance of 200 miles or more for treatment, storage or disposal may accumulate waste on-site for up to 270 days without a permit provided that the generator complies with the requirements of subsection (d).</p>		<p>722.134</p> <p><i>will do</i></p> <p><i>Contractor Madhav Sturdevant, at 262-884-50</i></p>
722.140(a)	<p>SUBPART D: RECORDKEEPING AND REPORTING</p> <p>Section 722.140 Recordkeeping</p> <p>Has the generator retained for a period of 3 years: <ul style="list-style-type: none"> a copy of each signed manifest? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> </p>		722.140(a)
722.140(c)	<p>Has the generator retained for a period of 3 years: <ul style="list-style-type: none"> copies of test results, waste analyses or other determinations made in accordance with Section 722.111? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> </p>		722.1

Regulation	RCRA SMALL-QUANTITY GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
722.140(d)	Does a generator who is involved in any unresolved enforcement action or as requested by the Director continue to maintain the records required in subsections a) and c)? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	722.140(d)
22.142(b)	Section 722.142 Exception Reporting Has the generator filed an exception report if a signed copy of the manifest has not been received within 60 days of the date of delivery to the transporter? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	722.142(b)
722.143	Section 722.143 Additional Reporting Has the generator furnished additional reports as required by the Director? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	722.143
	SUBPART E: EXPORTS OF HAZARDOUS WASTE Is the generator an exporter of hazardous waste? Yes _____ No <input checked="" type="checkbox"/> N/A _____ If "Yes", has the generator complied with the requirements of Subpart E? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	
	SUBPART F: IMPORTS OF HAZARDOUS WASTE Is the generator an importer of hazardous waste? Yes _____ No <input checked="" type="checkbox"/> N/A _____ If "Yes", has the generator complied with the requirements of Subpart F? Yes _____ No _____ N/A <input checked="" type="checkbox"/>	
	SUBPART G: FARMERS Is the generator a farmer? Yes _____ No <input checked="" type="checkbox"/> N/A _____ If "Yes", has the generator complied with the requirements of Subpart G? Yes _____ No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>	
	COMMENTS: Formerly Manifest ^{facility} Now R&D / office Parts Cleaner? — checking on w/ Tony Montemurro Purchased from OMC Evlruide / Johnson lines 3-12-01. Some removal of OMC waste. Dave Wesoner, Rivers Bend Engineering Anthony Montemurro, Rivers Bend Engineering Rich Br not is the emergency coordinator. Updated Contingency Plan to reflect Change in Generator Status?	

TM:jab\722small.wpd

Requested additional documents from Tony Montemurro (Cont. Plan) on 2-2-4.
Recd. 2-13-4.



Waste, Pesticides and Toxics Division

Type of Document: ☒ Notice of Violation and Inspection Report/Checklist
☐ No Violation Letter and Inspection Report/Checklist
☐ Letter of Acknowledgment
☐ Information Request
☐ Pre-Filing and Opportunity to Confer
☐ State Notification of Enforcement Action

Facility Name: Bombardier Recreational Products
Bombardier Motor Corporation of America

Facility Location: 300 Sea Horse Drive

City: Waukegan State: Illinois 60085

U.S. EPA ID# ILR 000107 706

Assigned Staff: Diane Sharrow Phone: X 6-6199

Name	Signature	Date
Author	<i>Diane Sharrow</i>	2-3-4
Regional Counsel	<i>[Signature]</i>	2/10/04 mjm - changes needed to #1,4, - 03/02/04
Section Chief	<i>[Signature]</i>	3/3/04
Branch Chief		

Directions/Request for Clerical Support:

After the Section Chief/Branch Chief signs this sheet and original letter:

1. Date stamp the cover letter;
2. Make four copies of the contents of this folder:
 - One copy for the assigned staff;
 - One copy for the section file;
 - One copy for the branch file; and
 - One copy for the official file.
3. Make any additional copies for cc's or bcc's.
4. Mail the original certified mail and distribute office copies and cc's and bcc's.
Once the certified mail receipt is returned:
5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA file room;
6. E-mail staff the date that the letter was received by facility.

bcc. M. McLary, ORC

*10101 Science Drive
Sturtevant, WI 53177*

PLACE STICKER AT TOP OF ENVELOPE FOLD TO THE RIGHT
DO NOT WRITE OR PRINT IN THESE SPACES

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MADHAV MHASKAR, MANAGER
ENVIRONMENTAL HEALTH AND SAFETY DEPARTMENT
BOMBARDIER RECREATIONAL PRODUCTS
BOMBARDIER MOTOR CORPORATION OF AMERICA
10101 SCIENCE DRIVE
STURTEVANT WI 53177

2. Article Number

(Transfer from service label,

7001 0320 0006 1452 0139

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

3-8

C. Signature

X *A. Ray*

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

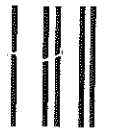
☐ Insured Mail

☒ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

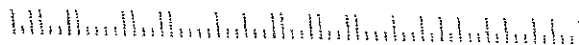
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

U S EPA
77 W JACKSON BLVD
CHICAGO IL 60604
ATTN DIANE SHARROW DE-9J



Bombardier

From: Lorna Jereza/R5/USEPA/US
To: Joseph.Svoboda@epa.state.il.us, Dennis.McMurray@epa.state.il.us,
todd.marvel@epa.state.il.us, Maggie.Carson@epa.state.il.us,
todd.rettig@epa.state.il.us
cc: Diane Sharrow/R5/USEPA/US@EPA
Date: Wednesday, March 03, 2004 12:23PM
Subject: Enforcement Action Communication

Per the May 5, 2000 State/U.S. EPA Enforcement Action Communication Plan, I am sending this e-mail to you to inform you that today (3/3/04), U.S. EPA sent by certified mail, notices of violations (NOV's) to the Engineered Polymer Solutions facility (EPS) located in Marengo, Illinois and the Bombardier Recreational Products (Bombardier) facility located in Waukegan, Illinois. The NOV's include allegation of RCRA violations detected during the February 9, 2004, compliance evaluation inspection (CEI) of CIBA and a January 26, 2004 CEI of Bombardier by U.S. EPA.

The contact person for these NOV's is Diane Sharrow and she could be reached at (312)886-6199.



Waste, Pesticides and Toxics Division

Type of Document:

- ☒ Denial of Referral fr. WMB
☐ Notice of Violation and Inspection Report/Checklist
☐ No Violation Letter and Inspection Report/Checklist
☐ Letter of Acknowledgment
☐ Information Request
☐ Pre-Filing and Opportunity to Confer
☐ State Notification of Enforcement Action

Facility Name :

Bombardier Recreational Products, Inc.

Facility Location:

300 Sea Horse Drive

City:

Waukegan

State:

~~Waukegan~~ Illinois

U.S. EPA ID#

ILR000 107706

Assigned Staff

G. Scambiaterra

Phone:

* - 3-5103

Name	Signature	Date
Author	Giada Scambiaterra	8/12/05
Regional Counsel		
Section Chief	Laura M. Jones	8/12/05
Branch Chief		

Directions/Request for Clerical Support:

After the Section Chief/Branch Chief signs this sheet and original letter:

1. Date stamp the cover letter;
2. Make four copies of the contents of this folder:
 - One copy for the assigned staff;
 - One copy for the section file;
 - One copy for the branch file; and
 - One copy for the official file.
3. Make any additional copies for cc's or bcc's.
4. Mail the original certified mail and distribute office copies and cc's and bcc's.
Once the certified mail receipt is returned:
5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA file room;
6. E-mail staff the date that the letter was received by facility.



Diane Sharrow

02/20/04 02:14 PM

To: Lorna Jereza/R5/USEPA/US@EPA

cc:

Subject:

Here are the final EPA and Bombardier NOV's - see messages from Mr. McClary that you were copied on



Bombardier.NOV.wpd



EPS.NOV.wpd

Diane M. Sharrow, Environmental Scientist
USEPA, Region 5, Waste, Pesticides and Toxics Division
Enforcement & Compliance Assurance Branch
Mail Code DE-9J
77 W. Jackson Blvd.
Chicago, IL 60604-3590
Direct 312-886-6199
Fax 312-353-4342
Sharrow.Diane@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

07 FEB 2005

REPLY TO THE ATTENTION OF:

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN THE MATTER OF:

BRP US Inc. facility
10101 Science Drive
Sturtevant, WI 53177

ATTENTION: Michael E. Schroeder, Senior Legal Counsel
Mhadav Mhaskar, Environmental Manager

REQUEST FOR INFORMATION

By this letter, the United States Environmental Protection Agency (U.S. EPA) requests information under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6927. Section 3007 authorizes the Administrator of U.S. EPA to require you to submit certain information.

This request requires Bombardier Recreational Products, Inc. and BRP US, Inc. (hereinafter, "BRP," "facility" or "you"), to submit certain information relating to the wastes at your facility, as well as information relating to property purchased or leased at your facility. We are requiring this information for purposes of enforcing Sections 3002 and 3004 of RCRA, 42 U.S.C. §§ 6922 and 6924, and their implementing regulations. Attachment 1 specifies the information you must submit. You must submit this information within twenty (20) calendar days of receiving this request to the U.S. EPA, Attention: Graciela Scambiatterra, 77 West Jackson Boulevard, DE-9J, Chicago, Illinois 60604.

You may, under 40 C.F.R. Part 2, Subpart B, assert a business confidentiality claim covering all or part of the information in the manner described in 40 C.F.R. § 2.203(b). We will disclose the information covered by a business confidentiality claim only to the extent and by means of the procedures at 40 C.F.R. Part 2, Subpart B. You must make any request for confidentiality when you submit the information since any information not so identified may be made available to the public without further notice.

BRP must submit all requested information under an authorized signature certifying that the information is true and complete to the best of the signatory's knowledge and belief. Should the signatory find, at any time after submitting the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should notify us. Knowingly providing false information in response to this request may be actionable under 18 U.S.C. §§ 1001 and 1341.

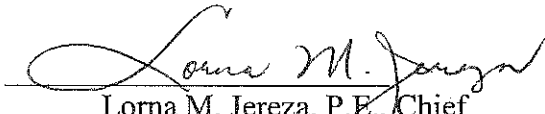
We may use the requested information in an administrative, civil or criminal action.

This request is not subject to the Paperwork Reduction Act, U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

Failure to comply fully with this request for information may subject BRP to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

You should direct questions about this request for information to Graciela Scambiaterra, of my staff, at (312) 353-5103.

2/4/05
Date


Lorna M. Jereza, P.E., Chief
Enforcement and Compliance Assurance Branch
Compliance Section 1

Attachment

cc: Todd Marvel, IEPA

ATTACHMENT 1

Instructions: You must respond separately to each of the questions or requests in this attachment. Precede each answer with the number of the Request for Information to which it corresponds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds. Where documents are only retained in electronic form, please provide copies of these documents as well.

Requests

1. Identify all persons consulted in preparing the answers to this Request for Information. Provide the full name and title for each person identified, business telephone number for each individual identified, and the number of years that each identified individual has worked for or at Bombardier Recreational Products, Inc. and BRP US, Inc. (BRP).
2. Provide true, accurate and complete copies of all documents related to BRP's purchase or lease of property that BRP either purchased or leased from Outboard Marine Company (OMC) at Waukegan, Illinois. Responsive documents should include, but not be limited to, all contracts or other written agreements, leases, deeds, and mortgage documents.
3. Provide the following information regarding the property/lease:
 - a. State in detail where the BRP property/lease lines start and end.
 - b. Does BRP own, or has BRP ever owned, the formerly permitted OMC storage area outside of plant 1 (along the chain link fence)?
 - c. Does BRP use, or has BRP ever used, the formerly permitted OMC storage area outside of plant 1 (along the chain link fence)?
4. Has BRP operated or closed any hazardous waste storage areas after purchasing/leasing the property from OMC? If so, please provide detailed information.
5. Did BRP remove, handle, store, treat or dispose of any hazardous waste, which was not generated by BRP, after purchasing/leasing the property from OMC? If so, please provide detailed information, including all manifests, waste profiles/characterizations, analytical data and any other documents pertaining to the removal, handling, storage, treatment or disposal of these wastes.
6. Provide any and all RCRA permits BRP applied for and/or received from the Illinois Environmental Protection Agency and/or U.S. EPA at this location.
7. Provide the following notarized certification by a responsible corporate officer:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to this information request. Based on my review of all relevant documents and my inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Date: _____

[Name of corporate officer]

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MICHAEL E SCHROEDER
SENIOR LEGAL COUNSEL
BRP US INC FACILITY
10101 SCIENCE DRIVE
STURTEVANT WI 53177

2. Article Number

(Transfer from service label)

7001 0320 0006 0291 5503

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

[Signature]

☐ Agent

☐ Address

address different from item 1?

☐ Yes

or delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☒ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MHADAV MHASKAR
ENVIRONMENTAL MANAGER
BRP US INC. FACILITY
10101 SCIENCE DRIVE
STURTEVANT WI 53177

2. Article Number

(Transfer from service label)

7001 0320 0006 0291 5497

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

[Signature]

☐ Agent

☐ Address

address different from item 1?

☐ Yes

or delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☒ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

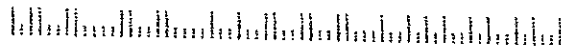


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

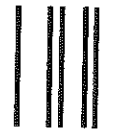
• Sender: Please print your name, address, and ZIP+4 in this box •

U S EPA
77 W JACKSON BLVD
CHICAGO IL 60604
Attn Graciela Scambiaterra

DE-9J



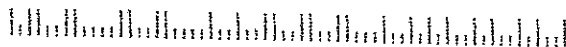
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

U S EPA
77 W JACKSON BLVD
CHICAGO IL 60604
Attn Graciela Scambiaterra





Waste, Pesticides and Toxics Division

Type of Document: ☐ Notice of Violation and Inspection Report/Checklist
☐ No Violation Letter and Inspection Report/Checklist
☐ Letter of Acknowledgment
☒ Information Request
☐ Pre-Filing and Opportunity to Confer
☐ State Notification of Enforcement Action

Facility Name : BRP US, Inc.

Facility Location: 300 Sea Horse Drive

City: Naukegan State: IL

U.S. EPA ID# ILR 000 107 706

Assigned Staff G. Scambiaterra Phone: X - 3-5103

Name	Signature	Date
Author	<i>G. Scambiaterra</i>	<i>2/4/05</i>
Regional Counsel	<i>e-counseling Scha</i>	<i>2/2/05</i>
Section Chief	<i>Loren M. Jensen</i>	<i>2/4/05</i>
Branch Chief		

Directions/Request for Clerical Support:

After the Section Chief/Branch Chief signs this sheet and original letter:

1. Date stamp the cover letter;
2. Make four copies of the contents of this folder:
 - One copy for the assigned staff;
 - One copy for the section file;
 - One copy for the branch file; and
 - One copy for the official file.
3. Make any additional copies for cc's or bcc's.
4. Mail the original certified mail and distribute office copies and cc's and bcc's.
Once the certified mail receipt is returned:
5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA file room;
6. E-mail staff the date that the letter was received by facility.

James Cha/R5/USEPA/US

02/02/2005 05:26 PM

To

Subject BRP

Hi, Gracie. Attached is a revised 3007. If you concur, I concur. Thanks.



BRP-3007A.doc

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BOULEVARD
CHICAGO, IL 60604

COMPLIANCE DEVELOPMENT INSPECTION REPORT

INSTALLATION NAME: Bombardier Recreational Products, Inc. /BRP USA, Inc.

EPA ID No: ILR 000 107 706

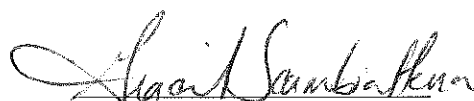
LOCATION ADDRESS: 300 Sea Horse Drive
Waukegan, Illinois 60085

NAICS CODE(s): 54138, 332813

DATE OF INSPECTION: December 6, 2004

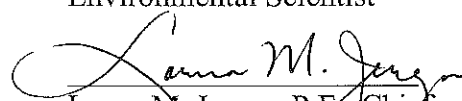
U.S. EPA INSPECTOR(s): Graciela Scambiaterra
Diane Sharrow

PREPARED BY:


Graciela Scambiaterra
Environmental Scientist

2/18/2005
Date

REVIEWED BY:


Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

3/2/2005
Date

RCRA Case Development Inspection

Introduction

I, Graciela Scambiaterra, Environmental Scientist, along with Diane Sharrow, Environmental Scientist, conducted a case development inspection (CDI) at Bombardier Recreational Products Inc. (BRP), also known as BRP USA, Inc., located at 300 Sea Horse Drive, Waukegan, Illinois, with respect to BRP's management of hazardous waste under the Resource Conservation and Recovery Act (RCRA). Upon arriving at BRP, we telephoned a company representative, as instructed in the lobby area. We were told that a representative would not arrive for approximately ½ hour as he was at another location. During our wait, we walked the perimeter of the BRP and took photos 1-7. When the BRP representative arrived, we identified ourselves and provided our credentials to the BRP representative, Anthony M. Montemurro, CHMM, of River's Bend Engineering. He accompanied us through the tour of the plant. Photos are attached.

History and Interview

We began the CDI by interviewing Mr Montemurro. He explained that BRP had purchased only Plant 1 property from Outboard Marine Company (OMC) in 2001. Shortly afterwards, they had submitted a notification (EPA Form 8700-12) to the Illinois Environmental Protection Agency (Illinois EPA) to notify that they were now occupying Plant 1. An EPA ID number was issued to BRP in 2001 (ILR000107706).

In 1980, two EPA ID numbers were issued to OMC, one for Plant 1 and another for Plant 2. In 1983, the U.S. EPA rescinded Plant 1's ID number and made Plant 2's ID number contiguous for all of OMC's permitted property (ILD000802827). In 1993, OMC reapplied to the Illinois EPA for their permit renewal and added F019 waste stream, as well as others. In 1992, fuel oil tanks (Underground Storage Tanks-USTs) were removed outside of Plant 1, due to the new tank rules and not because they were leaking. In 1997, gasoline/2-cycle engine UST were also removed outside of plant 1- this also was not leaking, according to Mr. Montemurro. In 1992, OMC's NPDES permit expired and OMC applied for a renewal. However, it has never been re-issued. According to Mr. Montemurro, BRP conducts monthly monitoring and reporting for two of the three outfalls that are being used.

Mr. Montemurro went on to explain that there had been a permitted hazardous waste storage area outside of Plant 1 that had been on OMC's permit and had never been operated by BRP. This permitted hazardous waste storage area was for the storage of solid paint residue from spray painting operations. According to Mr. Montemurro, this permitted hazardous waste storage area had not been in operation since 1983, however, he didn't believe OMC ever clean closed that area. There was a second permitted hazardous waste storage area in Plant 2, however, it only allowed for drums. According to Mr. Montemurro, during year 2000, there were negotiations between OMC and Illinois EPA to clean close the storage areas.

BRP operations at Plant 1 include lab testing, which includes paint booth for test panels and paint touch up.

BRP Inspection

The walk-thru began at the hazardous waste treatment system. This treatment system has never been used by BRP. OMC originally used it for their paint systems permeate; however, it became easier to ship out the hazardous waste than treat it on site.

We next came upon a warehouse of machinery/equipment. One piece of machinery appeared to have a small leak of fluid/oil. Pig mats had been placed on the ground to absorb the fluid (photo 8).

The next area we looked at was the 180-day hazardous waste storage area. Here, I observed one 55-gallon container of aerosol cans (photo 9). Also nearby, I observed a 55-gallon container of waste batteries and tires (photo 10). Photo 11 was of the emergency phone numbers listed by the telephone, as well as the inspection log.

The final area we looked at was the satellite accumulation area. Here, I observed two 55-gallon containers of hazardous waste, one with empty paint and chemical cans, and another with aerosol cans (photo 12). Next to these two containers was a 55-gallon container of non-hazardous waste consisting of pig mats for oil spills/dry (photo 13).

This ended the BRP walk-through.

Closing Conference

At this time, we explained to Mr. Montemurro that this CDI was mainly a fact-gathering inspection. We asked if he had documents related to the sale/purchase of OMC's property to BRP in 2001. He said he did not have these documents and provided me with BRP's legal contact that could provide these documents. We thanked him for his time and I said that we would send BRP an official information request in the near future.

This ended the CDI.

Attachments: Diane Sharrow's BRP Notes from CDI

12/6/2004



Photo 1- Plant 1, dock area



Photo 2- Plant 1, next to/behind the dock area, empty tank

12/6/2004



Photo 3- Plant 1, next to/behind dock area



Photo 4- Plant 1, dock area

12/6/2004



Photo 5- Parking lot next to Plant 1, marked with "#295 PAH"



Photo 6- Parking lot next to Plant 1, looking away from Plant 1, markings on the concrete

12/6/2004



Photo 7- Plant 1, dock area



Photo 8- Possible oil/fluid spill from machinery

12/6/2004



Photo 9- 180-Day storage site, aerosol cans



Photo 10- Universal Waste, batteries in 55-gal drum, and tires

12/6/2004



Photo 11- Emergency numbers posted in waste area, inspection log posted



Photo 12- Hazardous waste drums, Satellite Accumulation, (Left) empty paint and chemical cans, tubes and bottles; (Right) aerosol cans

12/6/2004



Photo 13- Non-hazardous waste drum, absorbent pig mats for oil dry, etc



Diane Sharrow /R5/USEPA/US To

12/10/2004 01:15 PM

Subject BRP Notes from Inspection

Gracie,

FYI - My written notes from the Bombardier Recreational Products, Inc. inspection.

OMC stopped using outdoor permitted storage are in approx. 10/93 because they stopped generating paint chips or solid paint residue.

The permit covered Plants 1 & 2 and was a 10 year permit. Issued by USEPA R%, under ILD 000 802 827. Plant 1 originally had a distinct ID no. when OMC notified in 1980. USEPA Region 5 determined only 1 ID No. was necessary because the property was contiguous.

OMC reapplied in 1993 for renewal of RCRA permit. OMC left the storage are in question in permit renewal application because did not want / could not afford to clean close. OMC may have asked for two additional waste streams and/or storage areas t be added at Plant 1. One was WWTP sludge or F019. Other was a satellite storage area that they used to transport boxes to Plant 2 and place in drums? State issued second permit - date? Did it include corrective action? Did USEPA issued corrective action portion of permit? Was the storage are in question in corrective action portion of permit?

Do not own property where the old storage was located/ Lease or have easements to park on this area. Newer cement adjacent to Plant 1 building is from when OMC removed USTs (No. 2 fuel oil) in 1992. Had a tank for 2 - cycle engine oil until 1997?

OMC NPDES permit expired in 1992. OMC reapplied. Permit not reissued to date. BRP reporting (DMRs) under expired 92 permit for 2 outfalls - one never used.

Plant 1 used for diecasting in 30's and 40's. Had two or three large substations - transformers. No longer present.

BRP files a Tier II Report and no Form R - because they are considered a lab testing facility only.

Legal Contact at BRP is Mike Schroeder 262-884-5528 - sent IR to him and he can provide property acquisition documents.

OMC completed CA - SWMU survey in late 1980s that would identify all possible SWMUs HWMUs.

END

DMS 12/10/04

OMC was in negotiations to terminate permit in CY 2000 and were going to clean close storage area in question.

Diane M. Sharrow
Environmental Scientist/Senior Inspector
USEPA, Region 5, Waste, Pesticides and Toxics Division
Enforcement & Compliance Assurance Branch
Mail Code DE-9J
77 W. Jackson Blvd.
Chicago, IL 60604-3590
Direct 312-886-6199

Facsimile 312-353-4342
Sharrow.Diane@epa.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
DW-8J

Date: JUL 22 2004

SUBJECT: Referral of RCRA Facility to Enforcement

FROM: Jim Blough, WPTD

Through: Joe Cisneros, WPTD
Thomas Martin, ORC

TO: Acting Branch Chief
ECAB

Outboard Marine Corporation (OMC) was a leading manufacturer and marketer of internationally-known boat brands, including marine accessories and marine engines. The Facility is a historic major source of PCB contamination to Waukegan Harbor and Lake Michigan. The site cleanup was administered under our Superfund Division. The facility also maintained a RCRA permit for its hazardous waste storage.

On December 22, 2000, OMC filed for Chapter 11 Bankruptcy. In March of 2001, Bombardier Inc. purchased the outboard engine assets of the former OMC Corporation, including the OMC south plant. Bombardier Inc. is a diversified manufacturing and service company. Being a leading manufacturer of business jets, regional aircraft, rail transportation equipment and motorized recreational products, it is believed that Bombardier planned to use the south plant for its testing and product development. Other historical events are summarized in Attachment A.

Prior to Bombardier's purchase of the south plant, OMC and Bombardier Inc., failed to request a RCRA permit modification in accordance with 40 CFR 270.40 to change the name and ownership from OMC to Bombardier Inc. and to comply with the requirements of 40 CFR Part 264, Subpart H (Financial Requirements). Bombardier did, however, apply for a generator ID number but also failed to inform U.S. EPA that they are the new owner and operator of the bankrupted OMC. As a result of this inadequate application, a new generator ID was granted based on the belief it was a new facility. The file does not contain an ownership transfer processed in accordance with RCRA requirements, so not clear to what extent Bombardier presently owns former OMC property.

When it owned the south plant, OMC had a RCRA permit for its container storage. There is no evidence that this area was ever clean closed. In 1995, OMC applied for a permit modification for an additional hazardous waste storage area inside the Plant. It is our understanding that Bombardier Inc. is still performing the same operations inside the plant. Alternatively, if Bombardier Inc. has to terminate its operations, a closure plan has not been received.

Superfund Division recently obtained results of sampling conducted at a monitoring well along the south plant fence line. A TSE concentration of 900 ppb was detected, which may be due to releases from the south plant.

I recommend that U.S. EPA conduct an inspection of the former OMC south plant to determine its current use and regulatory status.

If you have any question, please feel free to contact Jim Blough at (312) 886-2967

Attachments:

ATTACHMENT A

1927 Outboard Marine Corporation south plant constructed.

1927- 1950 Prior to the 1950's die casting and electroplating were conducted in the south plant (339,000 square feet). The south plant contains RCRA storage unit one. The floor drain system in the south plant, installed in 1927, was constructed of vitreous clay pipe and discharged directly into the harbor. In the 1990's most of the floor drains were plugged.

1949 - 1975 north plant becomes primary operation consisting of RCRA storage unit two, the world's largest TCE vapor degreasing, aluminum die casting, solvent distillation, and coolant reclamation (1,036,000 square feet building).

1975 PCB contamination was found in Waukegan Harbor. The die casting operation in the north plant was believed to be the source of the PCB contamination. The piping in the north plant was never formally decommissioned or decontaminated.

1980 August, the site was reported to contain PCBs, Scoring on the Hazardous Ranking System in August 1982.

1983 Preliminary Assessment/Screening Site Investigation was conducted in January 1983.

1983 September 30, RCRA permit was issued by U.S. EPA.

1985 Remedial Design for the Waukegan Harbor clean up completed in June 1985.

1990 March design assistance was completed.

1995 IEPA approved OMC's request to build a parking lot over the storage pad building, without decommissioning or decontaminating the unit.

1999 IEPA asked the U.S. EPA to handle the closure of OMC because the State did not renew the permit, which expired in 1993

2000 OMC filed for Chapter 11 bankruptcy protection on Dec. 22.

2000 OMC filed for Chapter 7.

2000 U.S. EPA conducted a Preliminary Site Investigation at OMC north plant.

2001 In March Bombardier Inc. purchased the outboard engine assets of the former OMC Corporation. Bombardier is diversified manufacturing and service company, and a leading manufacturer of business jets, regional aircraft, rail transportation equipment and motorized recreational products.

2002 On March 4th RCRA and Superfund revisit OMC to perform a PARSI.

Pesticides and Toxics Enforcement Section Activities

Based on a tip from the Illinois Attorney General's office and the RCRA WMB program staff regarding a leaking transformer on the north plant roof, the Pesticides and Toxics Enforcement Section conducted a TSCA PCB inspection at OMC on August 13, 2001.

The inspection revealed the following: 34 transformers on the roof (32 were labeled "Askeral" and 2 were labeled as "oil filled"). One of the oil filled transformers, with a 293 gallon capacity, was reported to be leaking to the U.S. EPA. This transformer was labeled in the OMC numbering system as transformer #31, serial number PPV5511-03. There was an M_L on the transformer and an approximately 3 foot by 6 foot oil stain in the area around the cooling fans. A wipe sample collected from the oil stained concrete floor showed PCB's present at a concentration of 330,000 micrograms/100cm².

An additional five PCB transformers were examined inside the facility. All were properly labeled. Transformer 6, which was name plated as containing 392 gallons of Askeral, had a thick black substance on its side and on the floor around it. A sample of this thick black material was collected and showed a total PCB concentration of 11.6 ppm.

RCRA Permitting Activities

On June 10, 2002, Region 5's RCRA Technical Support and Permitting Section (TSPS) and the Office of Regional Council (ORC) signed a Settlement filed in the federal Bankruptcy Court for the Northern District of Illinois, in the OMC Chapter 7 bankruptcy proceeding, resolving the opposition to the motion of the OMC bankruptcy trustee to abandon the OMC north plant site. OMC filed for bankruptcy in December of 2000. The settlement agreement was signed July 19, 2002.

The Settlement obligated OMC's bankruptcy trustee to perform certain clean up activities at the north plant to address hazards present, as a condition to abandoning the Plant. The Settlement required the trustee pay a sum of money to be used to address other environmental concerns at the north plant. The settlement also required the trustee to waive any claim for reimbursement of RCRA financial assurance that may be applicable to the facility.

Under the Settlement, the trustee was obligated to remediate certain environmental conditions at the Plant and pay an additional \$240,000 to the U.S. EPA. The environmental conditions that the trustee remediate under the settlement were among the "immediate and identifiable" hazards identified by U.S. EPA and IEPA. Under the settlement, the trustee agreed to:

1. Remove and dispose of all drums, containers, batteries, and capacitors;
2. Drain all tanks and transformers and dispose of fluids, including PCB containing fluids;
3. Clean and drain contaminated machinery;
4. Pump and dispose of the hazardous liquids present in a sump/cistern inside the north plant chip wringer room and in the storm sewer located outside of the chip wringer room.

All of these actions were performed in accordance with applicable law and under the oversight of government personnel. U.S. EPA staff estimated that if U.S. EPA were to perform the remediation the trustee agreed to do, the intermural cost would be approximately \$1.8 million. The \$240,000 to be paid to the U.S. EPA is dedicated to further remediation at the north plant site. The Settlement also allowed the State to keep the RCRA closure financial assurance of approximately \$280,000. These funds are presently earmarked for RCRA closure. Finally, the governments received a right of access and a lien on the abandoned property.

The Settlement addresses only the governments' motion, it contained no release or covenant not to sue, and expressly reserved the governments' right to continue litigation for injunctive relief relative to the remaining environmental conditions at the north plant site.

To address concerns regarding the remaining immediate and identifiable threats to human health, Superfund will continue work on clean up activities that were started in August of 2002.

D'ANCONA
ATTORNEYS**FACSIMILE**

312.602.3000

February 25, 2002

7 + 1

DATE

PAGES 1 COVERSHEETS

FROM**Michael J. Quinn**

(312) 602-2068

(312) 602-3068

NAME

PHONE

FAX

547

102528-000

USER*

CLIENT CODE*

Outboard Marine Corp. - Waukegan, IL

RT

TO**Thomas J. Martin, Jr.**
Associate Regional Counsel

312/886-4273

312/886-0747 ✓

NAME

PHONE

FAX

U.S. Environmental Protection Agency
Office of Regional Counsel

AT

Alan S. Tenenbaum, Esq.

202/514-5409

202/353-0296

NAME

PHONE

FAX

U.S. Dept. of Justice - Environmental Enforcement Section

AT

Elizabeth A. Wallace, Esq.

312/814-5396

312/814-2347

NAME

PHONE

FAX

IL Attorney General's Office

AT

COMMENTS

D'ANCONA & PFLAUM LLC ▼ 111 E. Wacker Drive, Ste. 2800 ▼ Chicago, IL 60601 ▼ 312.602.3000 ▼ Fax: 312.602.3000
www.dancona.com

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February 25, 2002

BY FACSIMILE

Thomas J. Martin, Jr.
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604

Michael J. Quinn

312.602.3068
Fax: 312.602.3068
mquinn@dancana.com
www.dancana.com

Re: Estate of Outboard Marine Corporation ("OMC")

Dear Tom:

As we discussed in Waukegan last week, enclosed is a copy of the side letter between Bombardier and OMC relating to the payment of carrying costs at the Plant 2 facility. Please note that on Friday we received a notice from Bombardier that they expect to complete removal of their personal property from Plant 2 by March 9, 2002, and will consequently stop paying the carrying costs after that date. I expect that the trustee will dispute Bombardier's notice that it is done removing its property from the site.

Please call me if you have any questions or comments.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Mike Quinn", with a long horizontal flourish extending to the right.

Michael J. Quinn

MJQ/ap
Enclosures(1)

cc: Alan Tenenbaum, Esq. (by facsimile, w/enclosure)
Elizabeth A. Wallace, Esq. (by facsimile, w/enclosure)
Kathleen H. Klaus, Esq. (w/ enclosure)

26-Oct-01 11:10am From:Skadden Arps Slate Meagher & Flom (IL)

9124070847

T-727 P.02/07 F-328

BOMBARDIER MOTOR CORPORATION OF AMERICA

March 2, 2001

Outboard Marine Corporation
100 Sea Horse Drive
Waukegan, IL 60085
ATTN: David S. Kurtz, Esq.

This letter sets forth the agreement between Bombardier Motor Corporation of America ("Purchaser") and Outboard Marine Corporation ("Seller") with respect to certain matters in connection with the closing (the "Closing") of the transactions contemplated by that certain Asset Purchase Agreement between Purchaser and Seller dated as of February 5, 2001 (the "Agreement"). Terms capitalized and not defined herein shall have the meaning set forth in the Agreement.

1. Cure Amounts. Purchaser and Seller agree that at the Closing, Purchaser shall deposit into escrow with LaSalle Bank National Association (the "Escrow Agent") pursuant to an Escrow Agreement dated the date hereof (the "Escrow Agreement") among Seller, Purchaser, and the Escrow Agent the following amounts:

\$803,958 (\$664,755 of which represented a reduction in the Purchase Price pursuant to Section 1.3 of the Agreement) with respect to cure and reinstatement costs and expenses relating to the assumption and assignment of the Designated Contracts.

The existence and amount of any amounts held by the Escrow Agent under the Escrow Agreement shall in no way limit the liability of Seller with respect to any of its obligations under the Agreement (as amended by the Joint Bid, as amended, by JTC Acquisition LLC and Bombardier Motor Corporation of America dated February 5, 2001) including, without limitation, to pay any and all cure and reinstatement costs and expenses relating to the assumption and assignment of the Designated Contracts.

The amounts described above shall be deposited into an escrow account pursuant to the Escrow Agreement attached hereto as Exhibit A. Seller and Purchaser hereby agree that the cure and reinstatement costs and expenses relating to the assumption and assignment of the Designated Contracts shall be paid within 10 business days following the entry of an appropriate order of the Bankruptcy Court regarding such cure and reinstatement costs and expenses. In the event that such cure and reinstatement costs and expenses are not paid within 10 business days following the entry of such appropriate order, both Seller and Purchaser hereby agree, upon the written request of the other, to sign and deliver to the Escrow Agent a Joint Release Notice in proper form pursuant to the Escrow Agreement to effect such order of the Bankruptcy Court.

2. Inventory. The parties agree that the value of the Non-Delivered Assets under the Agreement is \$2,750,000 and that notwithstanding the language of the second sentence of Section 1.6 of the Purchase Agreement, the Purchase Price shall be reduced pursuant to Section 1.6 of the Agreement on account of the Non-Delivered Assets by an amount equal to \$750,000.

26-Oct-01 11:11am From-Skadden Arps Slate Meagher & Flom (LL)

3124070847

T-727 P.03/07 F-320

3. Insurance. Under the Agreement, Seller acknowledges that it is obligated to transfer to Purchaser all right, title and interest of Seller and its Affiliates in and to any policies of insurance with respect to the Acquired Assets (the "Insurance Policies"). Seller (on behalf of itself and its Affiliates) hereby assigns the Insurance Policies and all of Seller's and its Affiliates right, title and interest thereunder to Purchaser. Seller agrees that it will continue to use all commercially reasonable efforts to coordinate with the relevant insurance agencies and with representatives of Purchaser to ensure that Purchaser gets full benefit of the Insurance Policies; provided, however, that if Seller would thereby become obligated to make any payment or expenditure, Seller shall notify Purchaser of such obligation so that Purchaser may determine whether, in its sole discretion, to authorize Seller to make such payment or expenditure and thereafter reimburse Seller therefore or to waive that portion of Seller's obligation under the Agreement which relates to such payment or expenditure.

4. Assignment. The provisions of this letter agreement shall be binding on, and inure to the benefit of, the successors and assigns of the parties hereto. Seller agrees that Purchaser may, without the consent of Seller, assign its rights and obligations under this letter agreement in connection with any assignment of the assets to which such rights or obligations relate.

5. Preservation of Acquired Assets. Purchaser and Seller hereby agree to the following with respect to Section 5.2(b) of the Asset Purchase Agreement: Seller shall inform Purchaser of the itemized costs it believes are necessary to preserve the Acquired Assets located in any facilities not being acquired by Purchaser, including personalty, buildings, plants, structures and other improvements to be conveyed under those certain Option Agreements between Seller and Purchaser dated as of February 5, 2001 and March 9, 2001. Seller and Purchaser shall co-operate to determine which costs are necessary to preserve the Acquired Assets located in any facilities not being acquired by Purchaser ("the Necessary Costs"). For further clarity, it is understood that Purchaser shall not be obligated to insure the real property or buildings to be conveyed under the Option Agreements, but only any contents thereof that are Acquired Assets. Purchaser, which is responsible to pay (or reimburse Seller for) the Necessary Costs until it takes possession of the Acquired Assets, shall give Seller ten (10) days notice (in the manner provided in Section 11.3 of the Agreement) before ceasing payment (or reimbursement) of any such Necessary Costs. Purchaser shall not be obligated to pay (or reimburse Seller for) any Necessary Costs following the ten (10) day period after Purchaser shall have given Seller such notice.

6. Excluded Assets. Purchaser acknowledges that, pursuant to Section B.b of Schedule 1.1 to the Agreement, accounts receivable backed by letters of credit or bankers acceptances up to an aggregate amount of \$6,050,000 (the "Exempted Receivables") shall not constitute Acquired Assets under the terms of the Agreement. In that regard, Purchaser hereby agrees that if it receives any funds on account of Exempted Receivables, it shall direct those funds to Seller in accordance with Seller's written directions.

7. Right of First Refusal. Seller hereby acknowledges that pursuant to Section 5.6 of the Agreement, Purchaser has exercised its right of first refusal with regard to (i) the First Refusal Assets used or held for use by Seller or its Affiliates in connection with the Hong Kong operations of Seller or its Affiliates, and (ii) any Assets or Properties used or held for use by Outboard Marine GmbH or FICHT GmbH & Co. KG. At any time and from time to time after the Closing, Purchaser may continue to exercise its right of first refusal pursuant to Section 5.6 of the Agreement.

28-Oct-01 11:11am From:Skadden Arps Slate Meagher & Flom (IL)

3124070547

T-727 P.04/07 P-328

8. FICHT. Seller hereby confirms and agrees that it has transferred to Purchaser all of its rights under the Purchase Agreement made as of March 9, 2001 by and between Seller and Outboard Marine GmbH (the "FICHT Purchase Agreement"). Seller further agrees that, from and after the date hereof, without limiting Purchaser's rights under any other agreement between the parties hereto, or in any way limiting or otherwise affecting any assignment made to Purchaser in connection with the FICHT Purchase Agreement, Seller shall take, or cause to be taken, all commercially reasonable efforts to transfer to Purchaser, at no cost to Purchaser, any and all right, title and interest Seller and its Affiliates may have in connection with any FICHT Assets including, without limitation, registering in Seller's or such Affiliates name and subsequently in Purchaser's name any such FICHT Assets. Seller agrees that it will, promptly after the Closing, deliver to Purchaser, patent, patent application, invention and trademark assignments (in the forms otherwise being used and delivered at Closing by Seller) with respect to the assignment of the intellectual property under the FICHT Purchase Agreement, and if requested by Purchaser, will also deliver such assignments (in such forms) from Outboard Marine GmbH to Seller of such intellectual property being transferred under the FICHT Purchase Agreement.

9. Cash. In consideration of a reduction in the Purchase Price in the amount of \$4,459,751.56, Seller and Purchaser hereby agree that both (i) Schedule 1.1., section A.1.1. of the Agreement, and (ii) Annex A, section A.1.1. to the Bill of Sale between Seller and Purchaser dated the date hereof, are hereby amended by deleting the words "February 5, 2001" and replacing them with the words: "March 8, 2001."

10. Release of Liens. Seller hereby agrees, without limiting Purchaser's rights under any other agreement between the parties hereto, to take, or cause to be taken from and after the date hereof, all commercially reasonable efforts to obtain signed releases of Liens currently held by any person with respect to the Acquired Assets.

11. Real Estate Costs. Seller and Purchaser hereby agree that (i) \$565,942.24, in connection with the obligations with regard to Real Property included in the Acquired Assets, shall be deducted from the Purchase Price and retained by Purchaser, and (ii) \$1,134,695.72, in connection with other fees, Liens and Transfer Taxes with regard to Real Property included in the Acquired Assets, of the Purchase Price payable by Purchaser under Section 1.6 of the Agreement shall be satisfied by payment of such amount by the Purchaser to Chicago Title Company. Such amount is intended to be in satisfaction of certain of Seller's obligations under the Agreement with regard to the Real Property being transferred to Purchaser thereunder.

12. Outboard Marine GmbH. Seller agrees that it will use its best efforts not to cause or permit Outboard Marine GmbH to voluntarily file for or voluntarily be subject to any bankruptcy, reorganization, liquidation, insolvency or similar proceedings under the laws of any jurisdiction for a period of at least one year from the date hereof.

13. Option. Seller will, upon request of Purchaser, seek and support an order of the Bankruptcy Court approving the Option Agreement dated March 9, 2001 between Seller and Purchaser regarding certain Waukegon real property.

14. Unemployment Insurance. Seller hereby represents and warrants that it has paid all contributions, interest and penalties required by the Illinois Unemployment Insurance Act, 820 ILCS

26-Oct-01 11:11am From-Skadden Arps Slate Meagher & Flom (IL)

3124070847

T-727 P.09/07 P-328

105/2600, with respect to wages for employment up to the date hereof. Seller shall promptly (but in no event later than ten (10) days from the date hereof) obtain from the Director of the Illinois Department of Employment Security, and provide to Purchaser, a receipt showing that no contributions, interest or penalties are due as of the date hereof. Seller shall indemnify Purchaser for, and pay to Purchaser immediately upon demand, any and all amounts which Purchaser shall pay or become obligated to pay to the Illinois Department of Employment Security.

15. Amendment to Option Agreement dated February 5, 2001. Seller and Purchaser hereby agree that paragraph 10 of the Option Agreement dated February 5, 2001 is hereby amended as follows: the words "State of New York" are hereby deleted and replaced with the words "State of Illinois."

16. Governing Law: This Letter shall be governed by and construed and enforced in accordance with the laws of the State of Illinois, without giving effect to any choice of law or conflict of law (whether of the State of Illinois or any other jurisdiction) that would cause the application of the laws of any jurisdiction other than the State of Illinois, except that if it is necessary in any other jurisdiction to have the law of such other jurisdiction govern this Letter in order for this Letter to be effective in any respect, then the laws of such other jurisdiction shall govern this Letter to such extent.

25-Oct-01 11:12am From-Skadden Arps Slate Meagher & Flom (LL)

3124070847

T-727 P.08/07 P-328

If you are in agreement with the terms set forth in this letter, please sign where indicated below whereupon it shall be a binding agreement between us.

Very truly yours,

ROMBAKUIER MOTOR CORPORATION OF AMERICA

By: 

Title:

[Signature Page to Side Letter]

20-Oct-01 11:12am From: Skadden Arps Slate Meagher & Flom (IL)

3124070847

T-727 P.07/07 F-328

Agreed to and accepted:

OUTBOARD MARINE CORPORATION

By: *Eduardo Martinez*

By: EDUARDO MARTINEZ

Title: CHIEF EXECUTIVE OFFICER

[Signature Page to Side Letter]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 09 2001

REPLY TO THE ATTENTION OF

R-19J

The Honorable Russell D. Feingold
United States Senator
517 E. Wisconsin Avenue, Rm. 408
Milwaukee, Wisconsin 53202

Dear Senator Feingold:

Thank you for your letter dated March 21, 2001, in which you inquire about the status of Bombardier Motors' efforts to purchase the Outboard Marine Corporation (OMC) site in Waukegan, Illinois.

As you may know, the OMC property is listed on the Superfund National Priorities List because of contamination present on the site and has been subject to federal Superfund cleanup activities. Bombardier Motors has obtained an option to purchase portions of the OMC site for the purpose of setting up manufacturing operations there. Your letter correctly points out that Bombardier has expressed an interest in obtaining, from United States Environmental Protection Agency (U.S. EPA), a document referred to as a "prospective purchaser agreement" prior to exercising their option. A prospective purchaser agreement is an Agreed Order signed by U.S. EPA and a purchaser of contaminated property that has been subject to federal cleanup activities. The Order contains an agreement by U.S. EPA not to hold the purchaser liable under Superfund for known residual contamination at the site. Under U.S. EPA policy, in exchange for this agreement, the purchaser must put the site to productive use and must agree to conduct actions which directly benefit U.S. EPA's mandate of protecting human health and the environment. U.S. EPA policy encourages prospective purchaser agreements in appropriate cases to encourage safe redevelopment of sites, such as the OMC site.

Representatives of the State of Illinois, U.S. EPA and Bombardier have met on one occasion and have another meeting planned to discuss the scope of a prospective purchaser agreement for the OMC site. U.S. EPA is conducting all actions necessary to formulate its position in this matter. At the same time, we understand that Bombardier continues to consider other potential sites for its new manufacturing plant instead of the OMC site, and has not yet sent to U.S. EPA a formal prospective purchaser agreement proposal. If Bombardier submits EPA such a formal proposal to U.S. EPA, it should be known very quickly whether the parties can reach accord on the terms of a prospective purchaser agreement.

R5-0100097-C

2

TO: Honorable Russell D. Feingold
United States Senator
RE: Bombardier Motors efforts to
purchase OMC in Waukegan, Illinois

We will keep your office informed on further developments in this case. In the meantime, if you have further questions concerning this subject, please contact me.

Sincerely yours,

ORIGINAL SIGNED BY
DAVID A. ULLRICH
David A. Ullrich
Acting Regional Administrator

bcc: Mary Canavan
Philip Hoffman
ORA Reading File
ORA w/control slip
Shirley Dorsey
Muno
Mayka
Schmidt
Adler
Ginsberg
Cohen
Klassman
Martin
Tennenbaum
Klebenow w/control slip
Gale w/control slip
Beth Wallace (IAG)
Don Gimble (IEPA)



U.S. Department of Justice

Environment and Natural Resources Division

90-11-3-07051/1

Environmental Enforcement Section
P.O. Box 7611
Washington, DC 20044-7611

Telephone (202) 514-5409
Facsimile (202) 353-0296

January 3, 2001

BY FACSIMILE

Eric Kaup, Esq.
Skadden Arps, Slate, Meagher & Flom
333 West Wacker Dr.
Chicago, IL 60606-1285

Re: In re Outboard Marine Corp., No. 00-37405

Dear Eric:

The United States would like to request clarification with respect to any Order authorizing the Debtors to transfer assets free and clear of claims, liens, interests, and encumbrances in the above-referenced matter. For example, we are concerned about language in paragraph 7 of the proposed Order attached to the Purchase Agreement enjoining the Government from asserting any interest of any kind relating in any way to the Debtors, the Debtors' assets, or the operation of the Debtors' businesses prior to the sale. We are likewise concerned about similar language in paragraphs 6, 8, 17, and 20 of the proposed Order. We believe that it would violate applicable bankruptcy and environmental law if the Plan does not preserve the buyer's obligations to comply with applicable law as the post-bankruptcy owner or operator of contaminated property. See, e.g., In re CMC Heartland Partners, 966 F.2d 1143 (7th Cir. 1992); In re Torwico Electronics, Inc., 8 F.3d 146 (3d Cir. 1993). See also AM International, Inc. v. Datacard Corp., 106 F.3d 1342 (7th Cir. 1997) (environmental claims can arise for bankruptcy purposes post-sale even though contamination may have originated pre-sale). Any purchaser or transferee of contaminated property from a Debtor should not be permitted to own or operate property without having to comply with environmental laws that apply to all owners and operators of property -- and regardless of whether the property may have been contaminated by prior owners.

- 2 -

Please let me know if you would agree to include the following paragraph in the proposed Order approving the sale:

"Nothing in this Order or the Purchase Agreement, including but not limited to Paragraphs 6, 7, 8, 17, and 20 of this Order, releases or nullifies any liability to a governmental entity under police and regulatory requirements that any entity would be subject to as the owner or operator of property after the Closing Date."

The United States is also concerned about the effect of any proposed sales on the Debtors' compliance with court orders in Consent Decrees for environmental response actions. The Debtors' papers do not specify how the Debtors propose to deal with this issue. We request that, particularly given the short notice before tomorrow's hearing on bid procedures, that we have an understanding that all parties' rights relating in any way to any Consent Decrees and the sale of assets be fully preserved for the final hearing on approval of sale(s) of assets.

Thank you for your consideration of these requests.

Sincerely,



Alan S. Tenenbaum
Senior Attorney

cc: Joel Nathan, Esq.
Tom Martin, Esq.

1425 SOC
2001 JAN -3 PM 1:13④ Kevin
6-7078

IMPORTANT: This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or its contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

FROM: Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section

Fax No. (202) ~~646-6566~~ 353-0296 (FAX)
Voice No. (202) 514-5409

FROM: Alan Tenenbaum Room 12056

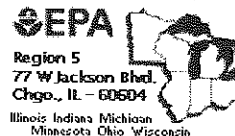
TO: Eric Kamp Tom Martin Joel Nathan

FAX NO: 312-407-8603 312-886-0747 312-353-2067

DATE: 1/3/00

NUMBER OF PAGES SENT (INCLUDING COVER PAGE): 3

Office of the
REGIONAL ADMINISTRATOR



Correspondence for RA's Signature

Type of Document: **Consent Decree**

Name of Document: **JUDICIAL SETTLEMENT OF UNITED STATES
OPPOSITION TO MOTION OF OUTBOARD MARINE
COMPANY (OMC) BANKRUPTCY TRUSTEES TO
ABANDON OMC PLANT 2 SITE (DRAFT)**

Date Rec'd in ORA: **07/12/2002**

From: **ORC**

Contact Name: **THOMAS MARTIN**

Phone: **6-4273**

<u>DATE</u>	<u>NAME</u>	<u>INITIALS</u>
<u>7/12/02</u>	IN/IL/MI State Coordinator	<u>AMR</u>
	Thomas V. Skinner (Regional Administrator)	
<u>7/12</u>	Bharat Mathur (Deputy Regional Administrator)	<u>BM</u>
	David A. Ullrich (Deputy Regional Administrator, Acting Regional Counsel)	

Correction Required? ☐ Yes ☐ No

Remarks:

BMCA - Recreational Products	PROCEDURE NO. CP-EP-2	Page 1 of 16
	PRODUCT/FILE NAME	
	ORIGINATOR AMM/EHS	08/30/01
TITLE: RCRA Contingency Plan- Waukegan		APPROVALS Mhaskar/ EHS

Section No.

Section Title

- | | |
|----|-------------------------------------|
| 1. | General Information |
| 2. | Emergency Coordinators |
| 3. | Implementation of Plan |
| 4. | Emergency Response Procedures |
| 5. | Emergency Equipment |
| 6. | Coordination Agreement Requirements |
| 7. | Evacuation Plan |
| 8. | Required Reports |
| 9. | Plan Revisions |

ILR 000107706
Recd. 2/13/4 by US Mail from BMP. DMS

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	ORIGINATOR AMM/EHS	08/30/01
TITLE: RCRA Contingency Plan- Waukegan	APPROVALS Mhaskar/ EHS	

Section 1 - GENERAL INFORMATION

Purpose

This plan describes the actions Bombardier Motor Corporation of America (BMCA) Waukegan will take to prepare for an accidental or unplanned sudden or non-sudden release of hazardous waste materials or hazardous waste constituents to the air, soil, or surface water at this facility.

Facility Information

- Facility name: Bombardier Motor Corporation of America (BMCA) Waukegan
- Facility location: 300 Sea-Horse Drive
Waukegan, IL 60085
- Facility location map: See Figure 1
- Facility site plan: See Figure G-2
- Facility description: BMCA owns and operates an engineering facility and located in Waukegan, Lake County, Illinois. The facility conducts testing of outboard engines, product development and stores surplus manufacturing equipment. Limited manufacturing capabilities exist at the site, but the equipment is not currently in use.
- EPA identification numbers:

IEPA Identification Number: 0971905386
USEPA Identification Number: ILD 000107706
- Security:

Security guards and electronic systems maintain 24-hour surveillance of the facility. A security fence surrounds the north side of the facility and accessible only through the security. Entrance to the south side entrances is controlled security guards and an electronic security system at the 250 Sea Horse Drive entrance and by electronic security controls at the 300 Sea Horse entrances.

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Section 2 - EMERGENCY COORDINATORS

The Emergency Coordinator is the person designated by the facility owner to be responsible for coordinating response and recovery activities during emergency situations.

Emergency Coordinators (on site)

Richard Brnot Senior Plant Engineer
 Desk Tel. - Ext. 6053
 Pager - (847) 389-1994
 Home Tel. - (847) 838-3305

Scott Vedder Plant Engineer
 Desk Tel. - Ext. 7612
 Pager -(847) 389-1996
 Home Tel. - (262) 694-9536

EHS Coordinators

Dave Wesner Hazardous Waste Coordinator
 Cell (262) 620-0796
 Home (262) 634-7470

Madhav Mhaskar Manager, EHS
 Desk Tel. Ext. 5082
 Home (262) 637-0965

Tim Budrick EHS Specialist
 Desk Tel. Ext.5083
 Home (262) 752-1652

Actions to be taken by the Emergency Coordinator in the event of a Hazardous Waste Release

The Emergency Coordinator is required to take a series of actions immediately upon discovery of an emergency, during the emergency control phase and immediately following attainment of control. These actions include:

1. Warn the operating personnel in the immediate area that an imminent or actual emergency exists.
2. Contain and control the release (or emergency).

Notify the state and local emergency response agencies if their assistance is needed to assist with the emergency. Section 6 of this plan lists various governmental agencies and their respective telephone numbers.

4. If there is a spill, fire, or explosion, the emergency coordinator must:

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- Identify the characteristics of the material.
 - Determine the source
 - Determine the amount of material released, if any
 - Determine the extent of any released materials
 - Assess possible hazards to human health.
 - Immediately notify local authorities if any hazard exists
 - Take necessary measures to keep materials contained
 - Monitor for leaks, pressure buildup, etc.
 - Ensure that affected areas are again safe and that all emergency equipment is cleaned and fit for reuse before operations are resumed
5. If the Emergency Coordinator's assessment of the situation indicates that evacuation of the facility may be advisable, he must immediately notify the appropriate local authorities.
 6. The Emergency Coordinator must be available to help appropriate officials decide whether local areas should be evacuated.
 7. The Emergency Coordinator must immediately notify the **National Response Center (800/424-8802)** if a spill of 110 gallons or more occurs.
 8. The Emergency Coordinator must immediately notify the **Illinois Emergency Services and Disaster Agency (ESDA) Emergency Response Center (217/782-7860)** if a spill of a reportable quantity occurs.
 9. The report to the authorities must include:
 - Name, address, and telephone number of the owner.
 - Name, address, and telephone number of the facility.
 - Date, time, and type of incident (e.g., spill, fire, explosion).
 - Name and quantity of materials involved.
 - The extent of injuries, if any.
 - An assessment of actual or potential hazards to human health or the environment, where this is applicable.
 - Estimated quantity and disposition of recovered material that resulted from the incident.
 10. During the emergency, the Emergency Coordinator must take all reasonable steps necessary to ensure that explosions and spills do not occur, recur, or spread to other hazardous waste at the facility.
 11. Immediately after an emergency, the Emergency Coordinator must provide for treating, storing, and disposing of recovered waste, contaminated soil or surface water, or any other material that results from a spill, fire, or explosion at the facility. The recovered material must be handled as a hazardous waste unless it is analyzed and determined not to be, using procedures specified in 40 CFR 261, Subpart C.
 12. The Emergency Coordinator must ensure that all emergency equipment is cleaned and fit for its intended use before operations are resumed.

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Section 3 - IMPLEMENTATION OF PLAN

The Plan will be implemented whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health of the environment. The Emergency Coordinator has full authority to make this decision. Depending upon the degree of seriousness, the following potential emergencies may call for the implementation of the Plan.

Spills

1. Spillage from a drum or a storage tank that could release flammable liquids or vapors creating a fire or explosion hazard.
2. Spillage from a drum or a storage tank that could release hazardous/toxic liquids or fumes endangering personnel.
3. Spillage from a drum or storage tank that cannot be contained that would result in soil contamination and/or ground or surface water pollution.
4. On site spillage of hazardous/toxic materials during unloading, loading, transferring or storing which cannot be adequately contained.

Fires

1. A fire that could cause the release of toxic fumes.
2. A fire that could ignite other materials at the site that could release toxic fumes or cause an explosion.
3. Use of water or chemical fire suppressants that could result in soil contamination and/or ground or surface water contamination.

Explosions

1. An imminent danger exists that an explosion could occur.
2. An imminent danger exists that an explosion could ignite other hazardous/toxic materials.
3. An imminent danger exists that an explosion could release hazardous/toxic material.
4. An explosion has occurred.

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Section 4 - EMERGENCY RESPONSE PROCEDURES

Immediately upon discovery of an imminent or actual emergency (fire, spill, explosion), the response procedure should be:

Notification (Fire or Explosion)

1. Any employee discovering a fire or explosion must report the incident by lifting the receiver on the nearest emergency fire phone. The fire phones, which are located throughout the building, are red and are indicated by a blue flashing light above them.
2. Wait for an answer from the security guard who will answer the phone, then give the exact location and department of the fire and/or explosion.
3. Tell the security guard what is burning (e.g., cardboard, paint, oil, solvent, machine, etc.).
4. The security guard will then notify:
 - a. Waukegan Fire Department (and Police if needed for traffic control)
 - b. Emergency Coordinator
 - c. Other designated management personnel

Notification (Spill)

1. Any employee discovering a spill must report the incident to the Emergency Coordinator.
2. If an Emergency Coordinator cannot be reached, contact Security (ext. 5001) or use the red fire telephone.
3. Give the security guard who answers the phone the exact location of the spill, the type, and the nature of the spill.
4. The security guard will notify:
 - a. An Emergency Coordinator
 - b. Maintenance Department
 - c. EHS Department

BMCA – Recreational Products	PROCEDURE NO. CP-EP-2	Page 7 of 16
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Notification (Emergency Coordinator)

1. If an imminent or actual danger exists, the Emergency Coordinator is to warn the operating personnel immediately and evacuate the area or facility, if necessary.
2. The Emergency Coordinator will assess the situation and notify the appropriate parties identified in Section 6 if, in his judgment, their assistance is needed to cope with the emergency.
3. The Emergency Coordinator will report the following when notifying the appropriate parties:
 - Name and telephone number of the reporter.
 - Name and address of the facility.
 - Time and type of incident (spill, fire, explosion).
 - Identification and quantity of materials involved.
 - The extent of injuries, if any.
 - The possible hazards to human health and the environment outside the facility.

Containment and Control

1. The Emergency Coordinator will take all necessary measures to contain the hazard and to prevent its spread to other nearby facilities, with the assistance of emergency personnel and/or emergency equipment listed in Section 5.
2. Emergency response procedures for container storage area fires and/or spills are presented in Schedules 4(a) and 4(b).
3. A list of the types of hazardous wastes stored at the BMCA Waukegan facility are presented in Schedule 4(c). The applicable emergency response procedures for these wastes are located in the appendix of this plan.

Follow Up Actions

1. Following containment and control of the emergency, the Emergency Coordinator will provide for the collection, treatment, and disposal of the waste and contaminated soil, water, and other materials used during containment and clean-up.
2. The Emergency Coordinator will ensure that all emergency equipment used is restored to full operational status.
3. The Emergency Coordinator will investigate the cause of the emergency and will take steps to prevent a recurrence of similar incidents.
4. The Emergency Coordinator will make sure that the cause of the emergency has been eliminated and that clean-up and restoration have progressed to the point of not jeopardizing the health and safety of the employees, and that the EPA and state and local authorities have been notified before resumption of the operations affected by the emergency.
5. The Emergency Coordinator will revise this Plan to prevent the recurrence of similar incidents if necessary.

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Notification (Emergency Coordinator)

1. If an imminent or actual danger exists, the Emergency Coordinator is to warn the operating personnel immediately and evacuate the area or facility, if necessary.
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 - Name and address of the facility.
 - Time and type of incident (spill, fire, explosion).
 - Identification and quantity of materials involved.
 - The extent of injuries, if any.
 - The possible hazards to human health and the environment outside the facility.

Containment and Control

1. The Emergency Coordinator will take all necessary measures to contain the hazard and to prevent its spread to other nearby facilities, with the assistance of emergency personnel and/or emergency equipment listed in Section 5.
2. Emergency response procedures for container storage area fires and/or spills are presented in Schedules 4(a) and 4(b).
3. A list of the types of hazardous wastes stored at the BMCA Waukegan facility are presented in Schedule 4(c). The applicable emergency response procedures for these wastes are located in the appendix of this plan.

Follow Up Actions

1. Following containment and control of the emergency, the Emergency Coordinator will provide for the collection, treatment, and disposal of the waste and contaminated soil, water, and other materials used during containment and clean-up.
2. The Emergency Coordinator will ensure that all emergency equipment used is restored to full operational status.
3. The Emergency Coordinator will investigate the cause of the emergency and will take steps to prevent a recurrence of similar incidents.
4. The Emergency Coordinator will make sure that the cause of the emergency has been eliminated and that clean-up and restoration have progressed to the point of not jeopardizing the health and safety of the employees, and that the EPA and state and local authorities have been notified before resumption of the operations affected by the emergency.
5. The Emergency Coordinator will revise this Plan to prevent the recurrence of similar incidents if necessary.

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Schedule 4(a)

EMERGENCY RESPONSE PROCEDURES

TANK OR DRUM STORAGE FIRE

1. Determine what is on fire by location, drum label, tank number, inventory, log, or other means.
2. Determine if persons are endangered by the fire or if the fire could spread to other wastes.
3. Evacuate all endangered persons. In case of release of toxic gases or where there is potential for explosion, determine if off site evacuation is advisable.
4. Define the limits of the fire. Estimate the potential dangers due to location with respect to other wastes in the immediate vicinity. Call the local fire department if they may be needed.
5. Determine the best and safest approach to the fire taking into consideration not only the type of fire but also the direction of the flame, the spread, the wind direction, the potential dangers, and any physical limitations.
6. Fire fighting personnel are to wear full protective clothing and breathing apparatus as is appropriate.
7. Fire fighting should be done at a maximum allowable distance staying upwind and from a protected location, if possible.
8. All fires shall be dealt with using fog protection (i.e., water spray). Small fires such as a single barrel fire can be approached with portable extinguishers to extinguish flames by smothering.
9. All large fires will require fog line protection with approaches made behind heavy equipment (e.g., front end loader) to smother fire and protect personnel.
10. Extra caution is to be taken with containerized material fires for signs of rupture or explosion due to heat releasing hot liquids, flammable vapors, or poisonous gases.
11. After fire, clean up affected areas. Runoff from water used in fire fighting should be treated as a hazardous waste and disposed of properly.
12. Clean up all fire fighting equipment and return it to its original location in a state of readiness.

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Schedule 4(b)

EMERGENCY RESPONSE PROCEDURES

TANK OR DRUM STORAGE SPILL

1. Determine source of spill and stop all flows from the tank or storage drum involved.
2. Identify the waste material spilled and determine the hazards involved in terms of potential for fire, hazardous gas release, corrosion, explosion, and water pollution.
3. Evacuate all endangered or unnecessary personnel. In case of the release of toxic or flammable gases, determine if off site evacuation is advisable. Remove nearby wastes that may be incompatible with the spilled material.
4. All spill response personnel are to wear protective equipment and are to stay upwind of the spill to the extent that it is possible.
 5. Contain the spill to the smallest area possible. Examples of equipment available for spill containment are shovels, absorbent materials, vacuum tank, pumps, and containers.
 6. After the spill is contained, treat the spill with neutralizing agents to lessen risks of fire, corrosion, explosion, or other hazards. Apply non-reactive absorbent materials.
 7. If spilled material reaches a water body, apply measures outlined in Spill Prevention, Control, and Countermeasures Plan (SPCC).
 8. Decontaminate area affected by spill by removal of spilled and absorbent materials and contaminated soil.
 9. Clean up, restore, and replace spill response equipment, and return it to its original location.

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Schedule 4(c)
HAZARDOUS WASTE EMERGENCY PROCEDURES
Hazardous and Universal Waste Stored in Waukegan

<u>Hazardous Waste</u>	<u>Source of Waste</u>	<u>Emergency Response Guide No**.</u>
Gasoline & Oil	Engine Test / Boat House	128
Waste Oil Sludge	Engine Test / Boat House	128
Paint	Boat House Paint Booth	128
Paint Thinners & Solvents	Boat House Paint Booth	128
Paint Filters	Boat House Paint Booth	128
Aerosols	Spray Paint, Lubricants, etc.	126
 <u>Universal Waste</u>		
Fluorescent Lamps	Light Fixtures	172
Metal Halide Lamps	Light Fixtures	138
Mercury Switches / Thermostats	Instruments, electronic controls, etc.	172
Batteries	Flashlights, pagers, instruments, etc.	154
Computer Monitors	Computers	

** See Appendix

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Section 5 - EMERGENCY EQUIPMENT

The following emergency equipment is available at this facility:

COMMUNICATION

- Telephones
- Digital pagers (Fm)
- Two-way radios (Fm)
- Fire telephones
- Voice paging system

VEHICLES

- Automobiles
- Pickup trucks
- Sport Utility Vehicles
- Vans
- Fork lift trucks
- Cushman scooters

FIRE FIGHTING EQUIPMENT

- Fire extinguishers (CO₂; Water; Dry Chemical)
- Fire hydrants
- Fire hoses
- Sprinklers
- Fire blankets

MEDICAL AND FIRST AID EQUIPMENT

- First aid stations
- Stretchers

EMPLOYEE PROTECTIVE EQUIPMENT

- Gloves
- Aprons
- Face shields
- Safety glasses
- Safety shoes
- Emergency showers

CLEAN-UP EQUIPMENT CONTAINERS

- Drums
- Shovels
- Oil absorbent
- Transfer pumps

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Section 6 - COORDINATION ARRANGEMENTS

The following authorities have been informed that hazardous waste materials are handled and stored at this facility, and of the potential need for their services if an emergency situation occurred.

- 1) Waukegan Police Department
106 North Utica
Waukegan, IL 60085
(847) 360-9000

Emergency Phone: 911

- 2) Waukegan Fire Department
1101 Belvidere
Waukegan, IL 60085
(847) 249-5410

Emergency Phone: 911

- 3) Victory Memorial Hospital
1324 North Sheridan Road
Waukegan, IL 60085
(847) 360-3000

- 4) St. Therese Hospital
2615 Washington Street
Waukegan, IL 60085
(847) 249-3900

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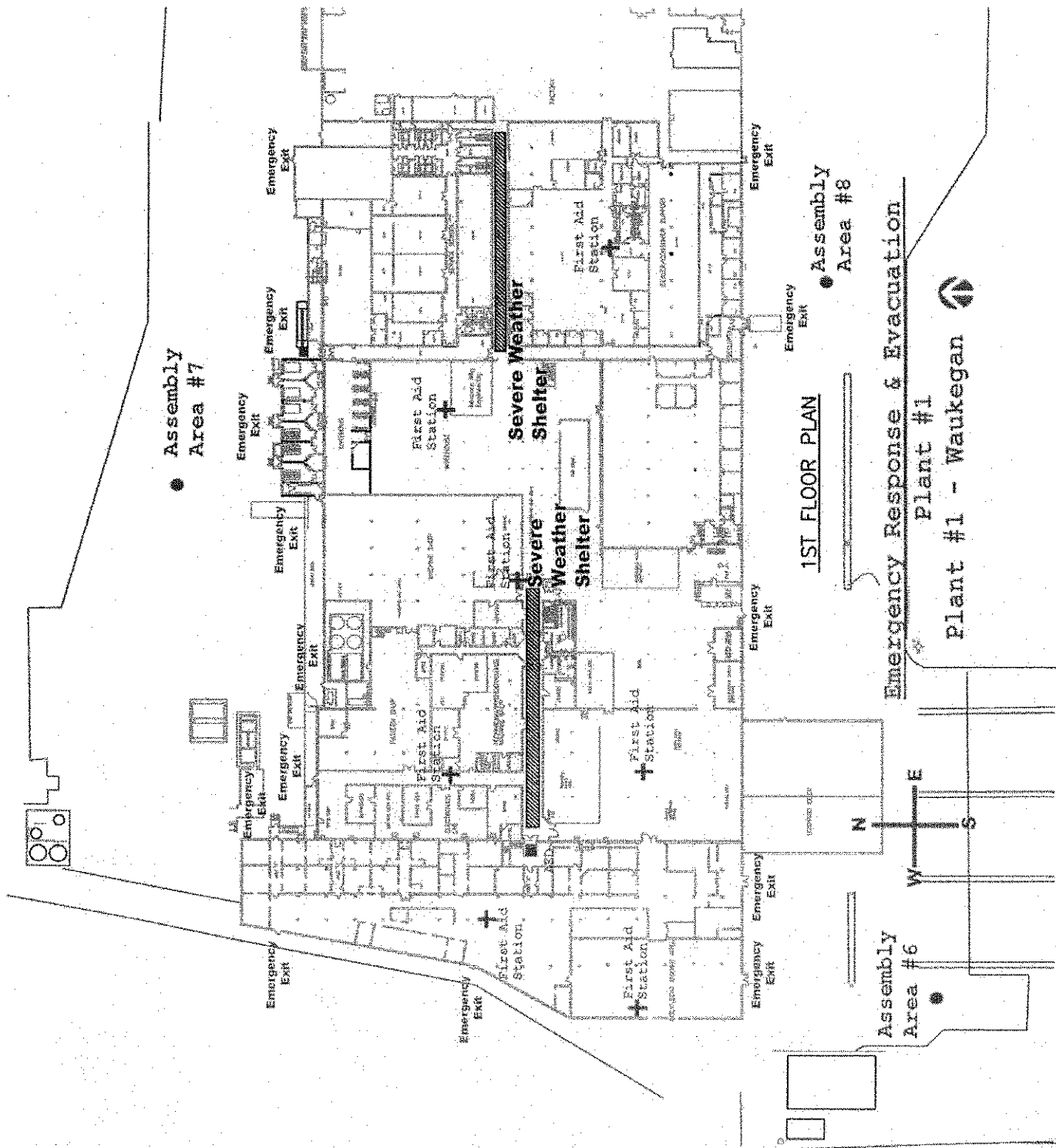
Section 7 - EVACUATION PLAN

The following procedure will be used to evacuate personnel from the BMCA Waukegan facility:

- 1) Notification of the recommended evacuation will be confirmed by the Waukegan Fire Department or Police Department
- 2) The Facility Manager will be notified of the recommendation to evacuate.
- 3) The Facility Manager will give the order to evacuate if the situation warrants evacuation of the facility.
- 4) The Facility Manager will notify all Chief Engineers and department managers. Each engineer or manager will notify the employees that report to him/her to evacuate the buildings in a swift, orderly manner. Each employee must report to their assembly area when they leave the building so that all personnel can be accounted for and a complete evacuation can be made. The department engineers / managers will remain in their assembly areas to insure that the evacuation is complete and all employees are evacuated in a safe and orderly manner. Each engineer / manager will report to the Facility Manager or Emergence coordinator when all of his / her employees are accounted for.
- 5) Safety and Security will work with the Waukegan Police and Fire Departments to expedite the movement of personnel and vehicles. The Waukegan Police Department will be contacted to provide traffic control officers at the main intersections leading from the plants, i.e., Greenwood Avenue and Sheridan Road; Sea Horse Drive and Pershing Road; and Dahringer and Pershing Roads. Security personnel will direct traffic where needed, at the parking lots and joining roads.
- 6) The Facility Manager will determine if any personnel will remain at the facilities to maintain boilers, utilities, etc.
- 7) All communications with the media will be handled by the BMCA Communications Department.
- 8) A site plan showing Emergency exits, First Aid Stations and Evacuation Assembly Areas follows.

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Section 8 - REQUIRED REPORTS

Within five days after an incident requiring implementation of this plan, the Emergency Coordinator must submit a written report on the incident to the BMCA Manager of Environment, Health and Safety. The Manager will then determine if the written report must be filed with regulatory agencies. The report shall include the following information:

Report Content

1. Name, address and telephone number of the owner or operator.
2. Name, address and telephone number of the facility.
3. Date, time, and type of incident (e.g., fire, spill, explosion).
4. Name and quantity of material(s) involved.
5. The extent of injuries, if any.
6. An assessment of actual or potential hazards to human health or the environment, where this is applicable.
7. Estimated quantity and disposition of recovered material that resulted from the incident.

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Section 9 – PLAN REVISIONS

The Manager of EHS will periodically review this Contingency Plan to determine if revisions are needed. When revisions are required, all affected personnel will be re-trained so that they fully understand the changes.

POTENTIAL HAZARDS

FIRE OR EXPLOSION

- Some may burn, but none ignite readily.
- Containers may explode when heated.
- Ruptured cylinders may rocket.

HEALTH

- Vapors may cause dizziness or asphyxiation without warning.
- Vapors from liquefied gas are initially heavier than air and spread along ground.
- Contact with gas or liquefied gas may cause burns, severe injury and/or frostbite.
- Fire may produce irritating, corrosive and/or toxic gases.

PUBLIC SAFETY

- **CALL** Emergency Response Telephone Number on Shipping Paper first. If Shipping Paper not available or no answer, refer to appropriate telephone number listed on the inside back cover.
- Isolate spill or leak area immediately for at least 100 meters (330 feet) in all directions.
- Keep unauthorized personnel away.
- Stay upwind.
- Many gases are heavier than air and will spread along ground and collect in low or confined areas (sewers, basements, tanks).
- Keep out of low areas.
- Ventilate closed spaces before entering.

PROTECTIVE CLOTHING

- Wear positive pressure self-contained breathing apparatus (SCBA).
- Structural firefighters' protective clothing will only provide limited protection.

EVACUATION

Large Spill

- Consider initial downwind evacuation for at least 500 meters (1/3 mile).

Fire

- If tank, rail car or tank truck is involved in a fire, ISOLATE for 800 meters (1/2 mile) in all directions; also, consider initial evacuation for 800 meters (1/2 mile) in all directions.

EMERGENCY RESPONSE

FIRE

- Use extinguishing agent suitable for type of surrounding fire.

Small Fires

- Dry chemical or CO₂.

Large Fires

- Water spray, fog or regular foam.
- Move containers from fire area if you can do it without risk.
- Damaged cylinders should be handled only by specialists.

Fire Involving Tanks

- Fight fire from maximum distance or use unmanned hose holders or monitor nozzles.
- Cool containers with flooding quantities of water until well after fire is out.
- Do not direct water at source of leak or safety devices; icing may occur.
- Withdraw immediately in case of rising sound from venting safety devices or discoloration of tank.
- ALWAYS stay away from tanks engulfed in fire.
- Some of these materials, if spilled, may evaporate leaving a flammable residue.

SPILL OR LEAK

- Do not touch or walk through spilled material.
- Stop leak if you can do it without risk.
- Do not direct water at spill or source of leak.
- Use water spray to reduce vapors or divert vapor cloud drift. Avoid allowing water runoff to contact spilled material.
- If possible, turn leaking containers so that gas escapes rather than liquid.
- Prevent entry into waterways, sewers, basements or confined areas.
- Allow substance to evaporate.
- Ventilate the area.

FIRST AID

- Move victim to fresh air. • Call 911 or emergency medical service.
- Apply artificial respiration if victim is not breathing.
- Administer oxygen if breathing is difficult.
- Remove and isolate contaminated clothing and shoes.
- In case of contact with liquefied gas, thaw frosted parts with lukewarm water.
- Keep victim warm and quiet.
- Ensure that medical personnel are aware of the material(s) involved, and take precautions to protect themselves.

POTENTIAL HAZARDS

FIRE OR EXPLOSION

- **HIGHLY FLAMMABLE:** Will be easily ignited by heat, sparks or flames.
- Vapors may form explosive mixtures with air.
- Vapors may travel to source of ignition and flash back.
- Most vapors are heavier than air. They will spread along ground and collect in low or confined areas (sewers, basements, tanks).
- Vapor explosion hazard indoors, outdoors or in sewers.
- Those substances designated with a "P" may polymerize explosively when heated or involved in a fire.
- Runoff to sewer may create fire or explosion hazard.
- Containers may explode when heated.
- Many liquids are lighter than water.
- Substance may be transported hot.

HEALTH

- Inhalation or contact with material may irritate or burn skin and eyes.
- Fire may produce irritating, corrosive and/or toxic gases.
- Vapors may cause dizziness or suffocation.
- Runoff from fire control or dilution water may cause pollution.

PUBLIC SAFETY

- **CALL Emergency Response Telephone Number on Shipping Paper first. If Shipping Paper not available or no answer, refer to appropriate telephone number listed on the inside back cover.**
- Isolate spill or leak area immediately for at least 25 to 50 meters (80 to 160 feet) in all directions.
- Keep unauthorized personnel away.
- Stay upwind.
- Keep out of low areas.
- Ventilate closed spaces before entering.

PROTECTIVE CLOTHING

- Wear positive pressure self-contained breathing apparatus (SCBA).
- Structural firefighters' protective clothing will only provide limited protection.

EVACUATION

Large Spill

- Consider initial downwind evacuation for at least 300 meters (1000 feet).

Fire

- If tank, rail car or tank truck is involved in a fire, ISOLATE for 800 meters (1/2 mile) in all directions; also, consider initial evacuation for 800 meters (1/2 mile) in all directions.

EMERGENCY RESPONSE

FIRE

CAUTION: All these products have a very low flash point: Use of water spray when fighting fire may be inefficient.

Small Fires

- Dry chemical, CO₂, water spray or regular foam.

Large Fires

- Water spray, fog or regular foam.
- Use water spray or fog; do not use straight streams.
- Move containers from fire area if you can do it without risk.

Fire Involving Tanks or Car/Trailer Loads

- Fight fire from maximum distance or use unmanned hose holders or monitor nozzles.
- Cool containers with flooding quantities of water until well after fire is out.
- Withdraw immediately in case of rising sound from venting safety devices or discoloration of tank.
- ALWAYS stay away from tanks engulfed in fire.
- For massive fire, use unmanned hose holders or monitor nozzles; if this is impossible, withdraw from area and let fire burn.

SPILL OR LEAK

- **ELIMINATE** all ignition sources (no smoking, flares, sparks or flames in immediate area).
- All equipment used when handling the product must be grounded.
- Do not touch or walk through spilled material.
- Stop leak if you can do it without risk.
- Prevent entry into waterways, sewers, basements or confined areas.
- A vapor suppressing foam may be used to reduce vapors.
- Absorb or cover with dry earth, sand or other non-combustible material and transfer to containers.
- Use clean non-sparking tools to collect absorbed material.

Large Spills

- Dike far ahead of liquid spill for later disposal.
- Water spray may reduce vapor; but may not prevent ignition in closed spaces.

FIRST AID

- Move victim to fresh air. • Call 911 or emergency medical service.
- Apply artificial respiration if victim is not breathing.
- Administer oxygen if breathing is difficult.
- Remove and isolate contaminated clothing and shoes.
- In case of contact with substance, immediately flush skin or eyes with running water for at least 20 minutes.
- Wash skin with soap and water.
- Keep victim warm and quiet.
- Ensure that medical personnel are aware of the material(s) involved, and take precautions to protect themselves.

POTENTIAL HAZARDS

FIRE OR EXPLOSION

- Produce flammable gases on contact with water.
- May ignite on contact with water or moist air.
- Some react vigorously or explosively on contact with water.
- May be ignited by heat, sparks or flames.
- May re-ignite after fire is extinguished.
- Some are transported in highly flammable liquids.
- Runoff may create fire or explosion hazard.

HEALTH

- Inhalation or contact with vapors, substance, or decomposition products may cause severe injury or death.
- May produce corrosive solutions on contact with water.
- Fire will produce irritating, corrosive and/or toxic gases.
- Runoff from fire control may cause pollution.

PUBLIC SAFETY

- **CALL** Emergency Response Telephone Number on Shipping Paper first. If Shipping Paper not available or no answer, refer to appropriate telephone number listed on the inside back cover.
- Isolate spill or leak area immediately for at least 50 to 100 meters (160 to 330 feet) in all directions.
- Keep unauthorized personnel away.
- Stay upwind.
- Keep out of low areas.
- Ventilate the area before entry.

PROTECTIVE CLOTHING

- Wear positive pressure self-contained breathing apparatus (SCBA).
- Structural firefighters' protective clothing will only provide limited protection.

EVACUATION

Large Spill

- Consider initial downwind evacuation for at least 250 meters (800 feet).

Fire

- If tank, rail car or tank truck is involved in a fire, ISOLATE for 800 meters (1/2 mile) in all directions; also, consider initial evacuation for 800 meters (1/2 mile) in all directions.

EMERGENCY RESPONSE

FIRE

- **DO NOT USE WATER OR FOAM.**

Small Fires

- Dry chemical, soda ash, lime or sand.

Large Fires

- DRY sand, dry chemical, soda ash or lime or withdraw from area and let fire burn.
- Move containers from fire area if you can do it without risk.

Magnesium Fires

- DRY sand, sodium chloride powder, graphite powder or Met-L-X® powder.

Lithium Fires

- DRY sand, sodium chloride powder, graphite powder, copper powder or Lith-X® powder.

Fire Involving Tanks or Car/Trailer Loads

- Fight fire from maximum distance or use unmanned hose holders or monitor nozzles.
- Do not get water inside containers.
- Cool containers with flooding quantities of water until well after fire is out.
- Withdraw immediately in case of rising sound from venting safety devices or discoloration of tank.
- ALWAYS stay away from tanks engulfed in fire.

SPILL OR LEAK

- ELIMINATE all ignition sources (no smoking, flares, sparks or flames in immediate area).
- Do not touch or walk through spilled material.
- Stop leak if you can do it without risk.
- Use water spray to reduce vapors or divert vapor cloud drift. Avoid allowing water runoff to contact spilled material.

- **DO NOT GET WATER on spilled substance or inside containers.**

Small Spills • Cover with DRY earth, DRY sand, or other non-combustible material followed with plastic sheet to minimize spreading or contact with rain.

- Dike for later disposal; do not apply water unless directed to do so.

Powder Spills • Cover powder spill with plastic sheet or tarp to minimize spreading and keep powder dry.

- **DO NOT CLEAN-UP OR DISPOSE OF, EXCEPT UNDER SUPERVISION OF A SPECIALIST.**

FIRST AID

- Move victim to fresh air. • Call 911 or emergency medical service.
- Apply artificial respiration if victim is not breathing.
- Administer oxygen if breathing is difficult.
- Remove and isolate contaminated clothing and shoes.
- In case of contact with substance, wipe from skin immediately; flush skin or eyes with running water for at least 20 minutes.
- Keep victim warm and quiet.
- Ensure that medical personnel are aware of the material(s) involved, and take precautions to protect themselves.

POTENTIAL HAZARDS

HEALTH

- TOXIC; inhalation, ingestion, or skin contact with material may cause severe injury or death.
- Contact with molten substance may cause severe burns to skin and eyes.
- Avoid any skin contact.
- Effects of contact or inhalation may be delayed.
- Fire may produce irritating, corrosive and/or toxic gases.
- Runoff from fire control or dilution water may be corrosive and/or toxic and cause pollution.

FIRE OR EXPLOSION

- Non-combustible, substance itself does not burn but may decompose upon heating to produce corrosive and/or toxic fumes.
- Some are oxidizers and may ignite combustibles (wood, paper, oil, clothing, etc.).
- Contact with metals may evolve flammable hydrogen gas.
- Containers may explode when heated.

PUBLIC SAFETY

- CALL Emergency Response Telephone Number on Shipping Paper first. If Shipping Paper not available or no answer, refer to appropriate telephone number listed on the inside back cover.
- Isolate spill or leak area immediately for at least 25 to 50 meters (80 to 160 feet) in all directions.
- Keep unauthorized personnel away.
- Stay upwind.
- Keep out of low areas.
- Ventilate enclosed areas.

PROTECTIVE CLOTHING

- Wear positive pressure self-contained breathing apparatus (SCBA).
- Wear chemical protective clothing which is specifically recommended by the manufacturer. It may provide little or no thermal protection.
- Structural firefighters' protective clothing provides limited protection in fire situations ONLY; it is not effective in spill situations.

EVACUATION

Spill

- See the Table of Initial Isolation and Protective Action Distances for highlighted substances. For non-highlighted substances, increase, in the downwind direction, as necessary, the isolation distance shown under "PUBLIC SAFETY".

Fire

- If tank, rail car or tank truck is involved in a fire, ISOLATE for 800 meters (1/2 mile) in all directions; also, consider initial evacuation for 800 meters (1/2 mile) in all directions.

EMERGENCY RESPONSE

FIRE

Small Fires

- Dry chemical, CO₂ or water spray.

Large Fires

- Dry chemical, CO₂, alcohol-resistant foam or water spray.
- Move containers from fire area if you can do it without risk.
- Dike fire control water for later disposal; do not scatter the material.

Fire Involving Tanks or Car/Trailer Loads

- Fight fire from maximum distance or use unmanned hose holders or monitor nozzles.
- Do not get water inside containers.
- Cool containers with flooding quantities of water until well after fire is out.
- Withdraw immediately in case of rising sound from venting safety devices or discoloration of tank.
- ALWAYS stay away from tanks engulfed in fire.

SPILL OR LEAK

- ELIMINATE all ignition sources (no smoking, flares, sparks or flames in immediate area).
- Do not touch damaged containers or spilled material unless wearing appropriate protective clothing.
- Stop leak if you can do it without risk.
- Prevent entry into waterways, sewers, basements or confined areas.
- Absorb or cover with dry earth, sand or other non-combustible material and transfer to containers.
- DO NOT GET WATER INSIDE CONTAINERS.

FIRST AID

- Move victim to fresh air. • Call 911 or emergency medical service.
- Apply artificial respiration if victim is not breathing.
- Do not use mouth-to-mouth method if victim ingested or inhaled the substance; induce artificial respiration with the aid of a pocket mask equipped with a one-way valve or other proper respiratory medical device.
- Administer oxygen if breathing is difficult.
- Remove and isolate contaminated clothing and shoes.
- In case of contact with substance, immediately flush skin or eyes with running water for at least 20 minutes.
- For minor skin contact, avoid spreading material on unaffected skin.
- Keep victim warm and quiet.
- Effects of exposure (inhalation, ingestion or skin contact) to substance may be delayed.
- Ensure that medical personnel are aware of the material(s) involved, and take precautions to protect themselves.

POTENTIAL HAZARDS

HEALTH

- Inhalation of vapors or contact with substance will result in contamination and potential harmful effects.
- Fire will produce irritating, corrosive and/or toxic gases.

FIRE OR EXPLOSION

- Non-combustible, substance itself does not burn but may react upon heating to produce corrosive and/or toxic fumes.
- Runoff may pollute waterways.

PUBLIC SAFETY

- **CALL** Emergency Response Telephone Number on Shipping Paper first. If Shipping Paper not available or no answer, refer to appropriate telephone number listed on the inside back cover.
- Isolate spill or leak area immediately for at least 10 to 25 meters (30 to 80 feet) in all directions.
- Stay upwind.
- Keep unauthorized personnel away.

PROTECTIVE CLOTHING

- Wear positive pressure self-contained breathing apparatus (SCBA).
- Structural firefighters' protective clothing will only provide limited protection.

EVACUATION

Large Spill

- Consider initial downwind evacuation for at least 100 meters (330 feet).

Fire

- When any large container is involved in a fire, consider initial evacuation for 500 meters (1/3 mile) in all directions.

EMERGENCY RESPONSE

FIRE

- Use extinguishing agent suitable for type of surrounding fire.
- **Do not direct water at the heated metal.**

SPILL OR LEAK

- Do not touch or walk through spilled material.
- Do not touch damaged containers or spilled material unless wearing appropriate protective clothing.
- Stop leak if you can do it without risk.
- Prevent entry into waterways, sewers, basements or confined areas.
- Do not use steel or aluminum tools or equipment.
- Cover with earth, sand, or other non-combustible material followed with plastic sheet to minimize spreading or contact with rain.
- For mercury, use a mercury spill kit.
- Mercury spill areas may be subsequently treated with calcium sulphide/calcium sulfide or with sodium thiosulphate/sodium thiosulfate wash to neutralize any residual mercury.

FIRST AID

- Move victim to fresh air. • Call 911 or emergency medical service.
- Apply artificial respiration if victim is not breathing.
- Administer oxygen if breathing is difficult.
- Remove and isolate contaminated clothing and shoes.
- In case of contact with substance, immediately flush skin or eyes with running water for at least 20 minutes.
- Keep victim warm and quiet.
- Ensure that medical personnel are aware of the material(s) involved, and take precautions to protect themselves.